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BRITAIN'S WAR
BY LAND

BY

JOHN BUCHAN

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H. W. C. D.

BRITAIN'S WAR BY LAND

To the foreign observer, looking only at the numbers in the fighting line, it may seem at first sight that Britain, whatever her achievements at sea, is making on land but a small effort when compared with the splendid muster of her Allies. Such a view is not unnatural, and, if well founded, would constitute a grave indictment of the British people. In this life-and-death struggle it is the duty of each ally to fling his whole resources into the common stock, and any reluctance is treason to the common cause. But I believe that the view, if it is anywhere seriously held, is based on a misunderstanding, and I wish to set down very shortly the reasons for my belief. The questions to be answered are two : Has Britain done her part in providing troops, and have those troops given a good account of themselves ?

I

In the first place we must remember the circumstances of Britain at the outbreak of war. We were an island people with a world-wide empire. That meant that we needed an omnipotent navy, and we held with good reason that we had got it. It meant also that, having no great land-frontier, such as Russia or France, we did not need land forces on the Continental scale. If a European Power declared

war against us, we believed that our fleet would prevent invasion, and that all that we needed was a Home Defence force sufficient to repel a raid. But since we were always fighting little wars up and down our Empire, we had to have a professional army, composed of those who voluntarily chose a soldier's life, highly trained, and enlisted for a reasonable length of service. This army was fixed at about 250,000 men, and 160,000 of them were ready for use at any moment in any part of the globe. It did not represent the real fighting strength of the nation, as the army of France, for example, represented the French fighting strength. It was only a spear-head to the man-power of Britain, and we knew that in a world-war, if time were granted us, we should soon get the shaft for it from among the hedgerows of England.

It may be said that our military policy was mistaken. That may or may not be true, but it was the policy in vogue last July. All our military arrangements were based on it, and our zeal in the cause of the Allies can only be judged by our use of the weapon which we found ready to our hand. This is not the place to discuss our future methods of defence, but one thing may be urged in reply to those critics who have argued that we were radically unprepared. The question is not whether we should have had some system of universal training, or whether on the outbreak of war we should have raised our new armies on a compulsory basis. For

both of these policies a good case can be made out. But the point is whether the *whole* of our traditional system was not culpably inadequate. Now, this system sufficed for our ordinary needs, for ninety-nine out of a hundred possible developments. As it chanced, the hundredth happened, and we had to revise and supplement it in some vital parts. But a military policy adequate to the hundredth contingency would have been futile and extravagant for the ninety-nine others which were our reasonable day-to-day expectation. It would have taxed our resources and impeded our normal life, and would have been valueless except in the one remote contingency. Nothing short of an army on the Continental scale would have met the need. Other schemes, no doubt, might have given us a better foundation than we actually possessed for the raising of new armies, but that alone would have fulfilled the immediate military requirements. Had we been able to put on the Continent in August from half a million to a million trained men it is probable that the campaign on French and Belgian soil would have long since been over. But to argue from this probability to the conclusion that we should always have had a Continental army ready is to forget the first maxim of sound government. A statesman budgets for ordinary conditions, not for a year of uninterrupted pestilence and earthquake. A wise man insures against risks which are really likely, not against something which is just on the distant rim of

possibility. There is such a thing as over-insurance, and to have based all our preparations on the sudden insanity of Germany would have meant paying too high a premium. Unless we subscribe to the belief that this kind of war was always 'inevitable'—a belief which seems to demand a direct Divine revelation—it is difficult to see how any British Government could have prepared for it in the only way which would have brought it to a summary close. And let it be added that, accepting our traditional policy, we had brought the system created under it to a high efficiency. Our Expeditionary Force and our General Staff had never been more ready for war.

War came, and we at once sent our whole Expeditionary Army to the front in France, and set about increasing our armed forces. To those who remembered the delays and confusion at the beginning of the South African War, the speed and precision with which our Army crossed the Channel and fell into line with the French seemed little short of miraculous. Having no system of compulsory service, we relied upon the patriotism of our people. Our islands were not invaded, or immediately threatened, so we could not call for recruits to fight for the existence and sanctity of their homes. Our appeal was made on behalf of the honour of Britain and the liberties and interests of our Allies. These are great matters, but it takes the ordinary man, unversed in foreign politics, a little time to understand them.

It should not be forgotten that the new voluntary armies which we raised were not like a Continental levy which defends its borders against the horrors of invasion, but men who volunteered either because they hated what Germany stood for and believed in the Allies' cause, or because they liked fighting for its own sake. The class in any nation which responds to such an appeal cannot be as wide as the class which will fight for the safety of its homes.

At the outbreak of war we had about 900,000 men wholly or partly trained—250,000 in the Regular Army, 230,000 in the various Reserves, and 420,000 in the Army for Home Defence.¹ By August 17 we had sent 150,000 men to the Allied line in France, a force which may be taken as equivalent to three German Army Corps and three Cavalry Divisions. Since then we have sent out further divisions and at least 80,000 men as drafts to fill up gaps, for our losses in the first four months of war have been very large in proportion to the size of our Army. One brigade in fifteen days' fighting lost 97 per cent. of its officers and 77 per cent. of its men, and many battalions have lost the whole of their original strength. Up to the end of 1914 we had sent out not less than 300,000 men, and we continue rapidly to add to this figure. We have in these islands, as a Home Defence Force and in training for foreign service, well over a million and a half of men, and recruits are pouring in daily. Voluntary recruits,

¹ This figure includes a portion of the National Reserve.

remember, coming largely from classes to whom the pay is no attraction and who have other means of earning their living. In four months' time we shall have a total armed force of something over two millions, and at least 500,000 of these will be fighting on the Continent. In nine months' time we may have a million in the fighting line.

That is for Britain alone. Canada has sent 32,000 men and is training 10,000 more. She believes that if the war lasts for a year she will send us any number from 100,000 to 250,000. Australia and New Zealand have equipped over 30,000, and can certainly send 100,000 if required. Then there is India, which has sent us two divisions to Europe, and another force to East Africa. We can probably count on not less than 200,000 Indians for our fighting lines in Asia, Africa, and Europe.

Remember, too, that the war on the continent of Europe is for Britain not all the war. In the first place we have to keep a force for home defence. In the case of a Continental Power the only army is the field army. France need not guard Algiers, nor Russia Turkestan, from invasion. But we are compelled to keep an army on our coasts to meet any possible danger from the German fleet. Again, we are fighting at this moment in Egypt and in Mesopotamia against the Turks, in the Cameroons, in German East Africa, and in South Africa. We have also to provide garrisons for strategical points throughout the Empire, like Gibraltar, Malta, and

Aden ; and we have to send troops to replace the British regulars withdrawn from India and the East.

Taking all these activities together, we can claim, I think, that we have well over two million men at the moment under arms for the different purposes of the war, and in six months' time it will be nearer three million.

Now, how does this compare with the population of our country ? According to the latest figures, we have in the British Islands just over eight million men of military age—that is between eighteen and forty-five. Taking a percentage on the French precedent, we must deduct two millions as unfit. We must also allow large deductions for men required to run our industries, for at present we are manufacturing war material and supplies for all our Allies as well as for ourselves. That is good for the British manufacturer, but it is a good thing, too, for our Allies, and clearly such industries must be kept going. So let us deduct two million men for this purpose. We shall not be far wrong if we allow 500,000 as the amount required for the Navy and purposes connected with the Navy ; and at least another 500,000 for the men between thirty-eight and forty-five, since thirty-eight is the age limit we have fixed for enlistment. So we get three millions as our maximum of possible recruits. Our British forces, as we have seen, will presently be very little below two millions, and that is 66 per cent. Britain has never professed to be a military Power. Her

main preoccupation is her Navy, and the appeal she is now making must be regarded as a special effort, something quite outside her common line of interests, and something for which the machinery has had to be improvised. With this in mind the percentage must surely seem creditable, and every month it will go on rising.

II

In the three months of fighting which began at Mons on August 23, the British Army under Field-Marshal Sir John French has done its full share. More than its share in proportion to its numbers ; and this is only right, for it is the most professional and highly trained force in the world, and like many of the Russian troops, it has had recent war experience. When General Joffre took up the position along the Sambre and the Meuse in order to feel the strength of the German advance, the British Force was given the post on the extreme left, between Condé and Binche, with its centre at the town of Mons. At that time the Allies believed that Namur could hold out for weeks. They gravely underestimated the strength of the German right wing under von Kluck and von Buelow, and they were apparently unaware of the large armies advancing against their centre through the Ardennes.

Namur fell in less than two days, and its fall made the Allied position an impossible salient. The 5th French Army on the British right was driven back under the severe frontal attack by von Buelow, and

the 4th and 3rd French Armies were at the same time repulsed from the line of the Meuse and forced southward. This meant that the left of the line, held by our troops, was more or less in the air. Von Kluck on the German right was not only attacking Sir John French on the front, but had an Army Corps and two Cavalry Divisions moving westward in an enveloping movement, while von Buelow was threatening the British right.

We began the battle of Mons on that Sunday afternoon in the belief that we had only two army corps against us. At that time our total force in the firing line was scarcely more than 80,000 men, the Third Corps having not yet come up, so the strength seemed evenly matched. On the Sunday evening, however, Sir John French heard from General Joffre of the defeat of the 5th Army on our right and the fall of Namur, and he also became aware that at least four Army Corps were moving against him. Nothing was left but to retreat, and on that night our movement southward began. The arrangement was that the Second Corps should make a stand to permit the First Corps to retire to the Maubeuge position, and should then break off the engagement and follow. Accordingly, during most of Monday General Smith-Dorrien's Second Corps was employed in holding back the enemy, a task in which he was outnumbered by at least three to one. It succeeded, and the whole British Force by the Monday evening had fallen back in good order to the new position.

But by this time it was clear that the German aim was to turn our left flank and drive us under the guns of Maubeuge, which would become for us what Metz had been to Bazaine ; so Sir John French gave the order for a further retreat. During Tuesday this was carried out successfully with many sharp rear-guard actions. Late on Tuesday night we occupied a position from Maroilles and Landrecies in the east to Le Cateau in the west. In the early darkness the 4th (Guards) Brigade of the First Corps at Landrecies was violently attacked, and the engagements spread along the line of the First Corps and lasted far into the night. In the morning it was plain that if the First Corps was to get away the Second Corps must hold up the enemy. Smith-Dorrien was thereupon involved in a battle which lasted till the afternoon of Wednesday, and deserves to be remembered as one of the finest achievements in the history of the British Army. The odds against him were never less than four to one, and were probably greater. He had to fight a covering action, and then break it off and retire ; and every soldier knows the difficulties of such an operation. We lost severely but we were never defeated, and by the Wednesday evening the Second Corps had begun its retirement. All night the retreat continued, and our wearied men were hotly pressed by the German vanguard. Next morning the pursuit had slackened, and we held a position from St. Quentin east along the Oise valley. For the next five days of the retirement the pressure

was less severe, for the French cavalry had come up on our flank, and the new French 6th Army was forming on our left. We had heavy fighting in several places, especially in the woods of Compiègne, but on the whole till we had crossed the Marne we were not seriously driven. Le Cateau had told on von Kluck as well as on the British.

The whole retreat was a very brilliant exploit for all the Allied Armies, but especially for the British, who had to bear the brunt of the attack. Our retirement was a strategic retreat—that is, it was undertaken under the pressure of strategic requirements, but not under the compulsion of a defeat. The rarity of such retirements is a proof of their difficulty. In modern history there are three famous examples. The first is Sir John Moore's retreat from Astorga to Corunna, a march of 250 miles through wild mountains in a tempest of snow and rain, with Napoleon and 70,000 men at his heels. Moore fell back, as all the world knows, fighting constant rear-guard actions and losing heavily each day, chiefly from starvation and fatigue. But he preserved his army intact, and on January 16, 1809, could turn at Corunna and beat off his pursuers. That is the most perfect instance in British history, perhaps in any history. A second is Wellington's retreat into Portugal after his victory at Talavera. 'A pretty general', wrote Cobbett, the eternal type of the ill-informed critic, 'who wins a victory one day, and finds he has to run away the next.' A third is the

Russian retreat before the French in 1812 which lured Napoleon into the icy depths of the continent. That was a true strategic retirement, for the battle of Borodino was an accident, and Kutusov would never have fought it but for political pressure. Russia won by drawing on her foe till winter, her ally, could destroy him. Sir John French, in the days from Mons to the Marne, had an easy country to traverse and perfect weather, as compared with what fell to the lot of Sir John Moore and Napoleon. His supplies did not seriously fail, and his transport problem was not difficult. His special danger lay in the enormous masses behind him, moving at a speed unknown before, and ever threatening to envelop his flanks. The pace, the comparatively small losses, and the excellent discipline and *moral* preserved in his troops, were the distinguishing features of his performance.

In estimating the achievement, we must remember the temperament of the soldier. He was entering upon a war against what public opinion agreed was the most formidable army in the world. In such a campaign an initial success, however small, works wonders with the spirit of an army. But there had been no success. The men had gone straight from the train, or from a long march, into action, and almost every hour of every day they had been retreating. Often they were given the chance of measuring themselves in close combat against their adversaries, and on these occasions they had held

their own ; but still the retreat went on, and it was difficult to avoid the feeling that, even if their own battalion stood fast, there must have been a defeat elsewhere in the line to explain this endless retirement. Such conditions are desperately trying to a soldier's nerves. The man who will support cheerfully any fatigue in a forward march will wilt and slacken when he is going backward. Remember, too, that, except for a few members of the Headquarters Staff, the officers and men knew nothing of the general situation. Had they learned of the fall of Namur it would have explained much, but few of them heard of it till a week later. That under such circumstances complete discipline and faithfulness were preserved, and that after so great a damping of zeal the fire of attack could be readily rekindled, was an achievement more remarkable, perhaps, than the most signal victory.

On September 5 General Joffre informed Sir John French that the time had now come to take the offensive. Early on Sunday morning, September 6, the Allied line, now almost touching the Seine, turned and struck. Von Kluck, believing that the British were too weary and broken to be dangerous, marched across our front in an attempt to envelop the French 5th Army. His own rearguards and communications were assailed by the new French 6th Army, and the British, moving from behind the Forest of Crécy, fell upon the right flank of his main advance, while the French 5th Army attacked it in

front. After four days' hard fighting von Kluck was forced to retreat, and his retirement compelled the whole German front from the Ourcq to Verdun to fall back also. The battles on the Marne were a brilliant performance for each one of the Allied armies. That after a fortnight's rapid retirement they should be able to turn and strike with undiminished vigour spoke volumes for the stamina of both French and British.

The decisive movement on the Marne was probably that of Wednesday the 9th, when the British drove von Kluck across the river, while the 5th French Army uncovered von Buelow's right, and General Foch with the 9th Army drove the Prussian Guard into the marshes of St. Gond. To illustrate the fighting quality of our own troops we may note that one day forty-five of our cavalry squadrons drove before them seventy-two German squadrons ; while four German infantry divisions were utterly beaten by five British ; though at Mons four British had repulsed the attack of eight German.

By September 12 the German Army had occupied its prepared positions along the river Aisne, and those months of trench warfare began which are not yet concluded. The achievements of the British forces are now less individual than in the days from Mons to Marne ; they are part of the slow general offensive of the 250 miles of the Allied line. One incident, however, should be noted. The crossing of the river Aisne by the three British corps on September 13-14

in the face of strong German resistance was a remarkable achievement. On the 14th Sir Douglas Haig and the First Corps on the British right made an effort to drive a wedge into the enemy's front, and succeeded in gaining a position on the high ground north of the river, which they continued to hold against great odds during the succeeding days of the engagement.

In the first fortnight of October it became clear that the Germans were meditating another enveloping movement against our left flank, their object being the possession of Calais and the southern ports of the Channel. To prevent this, the Allied left was extended northward, and the British Forces were sent to hold the extreme northern flank in West Flanders. The change in the dispositions was made with the utmost secrecy and precision, and a new line was taken up by the British extending from La Bassée to the north of Ypres. For a moment there was grave danger to the Allies. After the fall of Antwerp very large German forces were hurled against our left. The British 7th Division and the 3rd Cavalry Division fell back from Ghent and Bruges towards the Lys, and for some days we held a line of nearly forty miles with hurriedly prepared trenches against a vast numerical superiority. Presently the Belgian Army and a new French Army came up on our left, and held a position between us and the sea. November and December saw the British Forces engaged in a war of entrenchments which recalled

the fighting of Marlborough's day. The cavalry charges in the retreat from Mons and the battle of the Marne had gone, and our best cavalry fought like infantry in the trenches, and were away for weeks from their horses. This is not the place to tell the day-to-day history of that stubborn fighting. We had to encounter not only the tidal waves of the new German Armies, but the desperate attacks of their picked troops, the Prussian Guard.

The worst period for the British forces was the assault upon Ypres, which began about the 17th of October and continued till about the 13th of November. So far as the British were concerned, the bulk of the fighting fell upon General Capper's 7th Division, Sir Douglas Haig's First Corps, and on General Byng's 3rd Cavalry Division. The severity of the engagements may be judged from the fact that the generals commanding the 1st and 2nd Divisions were both wounded and five of their staff officers were killed. More than once the British line was pierced, but, like the Arabs who broke our square at Abu-Klea, the invaders were given no chance to make good their success. On November 10 a division of the Prussian Guard, which had received its Emperor's special command to pierce our front, attacked with great vigour, and their decisive repulse on the following day brought the fiercest fighting to an end. In the struggle for Ypres it is difficult to single out regiments when all did brilliantly, but special mention should be made of the work of the Household Cavalry in

General Byng's division, who, fighting in an unfamiliar trench warfare, added to the glory they had won before on more congenial fields. Then, as ever, the bulk of the defence was in the hands of those steady, old-fashioned English regiments of the line who have always been the backbone of our army. The Foot Guards showed that their unique discipline was compatible with a brilliant and adroit offensive, and Cavan's 4th Brigade added to the laurels they had won at Landrecies, at Villers-Cotterets, at the Marne, and at the Aisne. Two Yeomanry regiments fought with General Byng, and three Territorial battalions with Sir Douglas Haig, and showed all the steadiness and precision of first line troops. 'I venture to predict', Sir John French wrote of the British Armies in West Flanders, 'that their deeds during these days of stress and trial will furnish some of the most brilliant chapters which will be found in the military history of our time.'

The day is still far distant when any part of the military history of the war can be finally written. The lines of the campaign are so broad and simple that we can follow more or less clearly the main strategy, but the tactical details must long be obscure. Even now, however, it is important that each of the Allies should know something of what the others are doing, and the story of a nation's deeds can best come from the nation itself. Nothing would be more welcome than to hear from Russia the splendid

tale of Lemberg and Augustovo and Warsaw, and from France the full story of Foch's attack on the Prussian Guard, and the heroic defence of Nancy. This slight sketch of British doings is a humble contribution to the common stock, which I hope will be repaid in kind.

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SEA POWER AND
THE WAR

BY

J. R. THURSFIELD

HON. FELLOW OF JESUS COLLEGE

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SEA POWER AND THE WAR

It appears that a feeling is abroad among our gallant Allies, especially the more distant of them, such as Russia, that this country is not taking the war as seriously as it ought, nor taking its due share in it. I can well understand this feeling, though I cannot for a moment share it. But since it exists and is said to be growing, and even to be spreading among friendly neutrals, such as the United States, I think it behoves all good citizens in this country to do what they can to counteract and, if it may be, to dispel it. It seems to me to rest mainly on two fundamental misconceptions, one a misreading of the national psychology, the other a misunderstanding, which is, in truth, all too common even amongst ourselves, of the true function that belongs specially to the United Kingdom in any great conflict of arms in which its action is associated with that of Allies on the Continent. Of the first of these misconceptions I will only say a few words before I pass on to the second and far more serious one.

All nations misunderstand each other more or less; that is, no nation ever fully grasps the more intimate psychological characteristics of any other. Further, the depth of the misunderstanding is, other things being equal, generally proportionate to the distance which separates them geographically. We are often told by Englishmen who know Russia well that our popular conception of Russia and the characteristics of its people is full of misunderstandings. Such mis-

understandings are only too likely to be reciprocal, and in any case they are certain to be mischievous. Even in the present war, though I am sure that all Englishmen dimly appreciate the tremendous, I might well say, the superhuman efforts that the Russian Armies are making to vanquish the common foe, yet I am equally sure that few of us can follow the campaign on the Eastern front of conflict with the same sympathetic insight and the same strategic grasp as that on the Western front in Flanders and in France, where our own troops are engaged in concert with those of Belgium and France, and where the incessant thunder of artillery in action can almost be heard from our shores. This is mainly the effect of distance; and it means that Englishmen and Russians are looking at the war in a different perspective and from widely separated points of view. But there is another and far deeper source of misunderstanding. Foreign nations find England in particular a nation which is very hard to know and understand. We are isolated by the sea, and it is often said that Englishmen, by reason of this isolation, are 'bad Europeans'. This really means that we have none of that cosmopolitan freemasonry which, superficial as it is, does nevertheless make, so far as it goes, for the better understanding of one continental nation by another, and, to tell the truth, we are by no means keen to cultivate it. We go our own way and reck little of what other nations think of us. We are intensely critical of ourselves, and often depreciatory of our better selves. Collectively we are endowed with a fine sense of humour, but individually with a plentiful lack of imagination. The sense of humour impels us to self-criticism, while the lack of imagination robs us of the gift of seeing ourselves as

others see us. It may be, as Froissart said of us long ago, that we take our pleasures *moult tristement*, and, no doubt, we do for the most part lack the spontaneous and expansive gaiety of our French Allies ; but when it comes to enterprises of great pith and moment we set about them, not indeed with a light heart, nor yet with a solemn countenance, but with a certain levity of demeanour, and with a cheery confidence, begotten of our history, that whatever our mistakes and shortcomings may be at the beginning we shall win through in the end.

Such being our national characteristics, as known to ourselves, it is easy to understand how our Allies and other friends who do not know them so well, may be led to believe that we are not taking the war seriously enough. Yet I can hardly see how we could take it more seriously in all essential respects. At any rate it is manifest that responsible public men among our Allies do not share the illusion of which I am speaking. M. Sazonoff, the Russian Premier, has lately declared in the Duma that 'Great Britain was undertaking a far greater burden than had been expected of her' ; and M. Millerand, the French Minister of War, has, on returning from a visit to England, told his countrymen that he is 'simply astounded' at the results attained by the efforts we have made and are still making. It was well known to our Allies that, if we were to take part in a continental campaign, the numerical force we could send to the front at the outset would be almost insignificant in comparison with the vast armies that they could put in the field. But we sent it there without a moment's delay, and we have maintained it there in undiminished force in spite of appalling losses, which, though they have caused personal griefs unnumbered and untold,

have not weakened the national fibre in the least. It was, of course, a little army, but it was very soon to show that it was by no means the 'contemptible little army' that the Kaiser is said to have called it. Moreover, we took immediate steps to make that little army into a big army. Lord Kitchener has called for a million of men and another million to follow in due course, and as fast as they can be trained. Has any nation ever made a bigger effort or taken its task more seriously? Lord Kitchener, at any rate, has avowed his content with the progress that is being made. We shall get those two millions, and more if we need them. No one has been in the past more bitterly opposed to compulsory service than I have, but, had it been necessary in the present emergency, I would have voted for it with both hands sooner than see the Allies fail in the enterprise they have undertaken, and I am sure all my countrymen would do the same. Moreover, we have surrendered all our historic liberties into the keeping of the Government without even a murmur at the sacrifice, and we have provided lavishly for the cost of the war, and shall go on providing for it however long the war lasts. We know that the Allies will win in the end, and that is why we are not only confident but cheerful.

We are even cheerful, although to the disgust of all that is sound and patriotic amongst us, too many of our professional footballers, putting their pelf before their patriotism, are still deaf to the call of their country's need. But let us not exaggerate that ugly blemish on our national demeanour. It is really a very small speck, although we have, not very wisely, made it look large in the eyes of our Allies and friends by showing it to them through the magnifying glass with which we are prone

to regard our national shortcomings. The few thousands of professional footballers who will not enlist—albeit trained athletes and men of exceptional physique, and therefore very acceptable as recruits—would be but a drop in the ocean of Lord Kitchener's two millions. Even of the much larger numbers—perhaps twenty-fold as many or more—who go weekly to see these 'muddled oafs at the goal', no one can say how many are men employed in industries necessary to the efficient conduct of the war, how many more are enlisted recruits not yet supplied with uniform, how many are already over age or otherwise debarred from military service, nor yet how great or how small is the residue which consists of wastrels, weaklings, loafers, and idlers, whom no recruiting sergeant would look at. Still the blemish exists, and I am only concerned to reduce it to its proper proportions. It has probably done more than anything else to encourage the feeling I am combating. The fact that these professional footballers are being roundly trounced and denounced from one end of the country to the other is at once a proof of the nation's earnestness and resolve, and, being misunderstood abroad, one of the chief sources of the misconception that prevails.

I now pass to the second misconception of which I have spoken. It is, in truth, very much the more deep-seated and far-reaching of the two. It rests mainly on a failure—far too common even in this country and still more common in other countries—to appreciate in its true significance the indisputable fact that the sea power of England is the one paramount factor which has secured for the Allies all the advantages they have so far gained in the field, and will, by the blessing of Providence and the skill of many a good

admiral, assuredly give them the victory in the end. Even in its financial aspect, the maintenance of her sea power is no small contribution for England to have made to the common cause. Our Navy Estimates for the current year—framed long before there was any immediate prospect of war—amounted roundly to some £51,500,000 sterling. As the population of these islands is roundly about 45,500,000, this works out at a cost of about 22s. per head of the population. This is a heavier burden per head of population than any great nation in the world bears for the cost of its army in time of peace.¹ If then the financial balance be struck on the basis of these data, England's share in the burden of the war will assuredly not be found to kick the beam.

But I do not rely on the financial argument. I merely use it as an illustration. Let us see what the sea power of England is doing for the common cause. In considering this question I shall have in some measure to deal with the military situation, though it lies for the most part outside my special province of discussion. At first sight, when the small number of the British forces abroad is compared with the vast armies which our two principal Allies have put into the field and are now maintaining and constantly reinforcing there, it might well be thought that England is not taking her due share of the war. But that is not the proper way

¹ I take the following figures from *Whitaker's Almanack* for 1915 :

	<i>Military Budget, 1913-14.</i>	<i>Population.</i>
	£	
Austria-Hungary	22,193,000	49,654,000
France	36,550,000	39,601,000
Germany	60,000,000	64,925,000
Russia	67,200,000	173,359,000

of looking at the matter. Neither the French nor the Russian Armies have had to cross the sea in order to come face to face with the common foe. The British Army has, and that makes all the difference. It introduces the factor of sea power into the strategic problem which confronts the Allies ; and, rightly appreciated, this factor will be found to dominate the whole situation. I may, no doubt, assume that the actions and re-actions of the two great armies of the Allies one upon the other have been continuous, mutual, and reciprocal from first to last. We know that the original plan of the enemy was to crush France first and as soon as might be, and then to turn upon and rend Russia before she could gather her hosts together. Herr von Jagow, the German Foreign Secretary, frankly avowed that rapidity of action was Germany's great asset, while inexhaustible numbers were that of Russia. Germany set herself to use time in order to defeat numbers. That object was never attained, and never can be attained. It was frustrated once for all when the German retreat first began in France. That retreat was in large measure caused by the advance of Russia into East Prussia, which, although it cost Russia dear in the end, nevertheless achieved its strategic purpose by compelling Germany to withdraw troops from the western front, and thereby relieve pressure on that front which had become wellnigh irresistible. But the German retreat had been preceded by a retreat of the entire line of the Allies in the West, and that retreat might have become a rout but for the presence of ' French's contemptible little army '. Whether it was contemptible or not the Kaiser knows by this time ; but our Allies at any rate will both acknowledge that it saved the whole situation alike in the West and in

the East. I do not, of course, mean that the British Army did this alone. The operations of all the Allied forces both in the West and in the East were a combined strategic effort, in which all the Allies and every unit of their respective forces engaged nobly bore their share. But I do mean, and the proposition is incontestable, that the absence of the British Army from the conflict—or of any equivalent portion of the Allied forces in either field—might, and probably would, have wrought irretrievable disaster to the common cause. It was touch and go, as it was. The ‘contemptible little army’ could not possibly have been spared.

But how came the British Army to be there and to do what it did? That is the question we must ask ourselves if we would estimate aright the share that England is taking in the war. It is not the relative strength of the British Army that counts, but the decisive part that British forces, naval and military, have played in the larger strategy of the campaign. Our army had to cross the sea at the outset. That it could never have done, still less could it have been sustained in the field by a constant stream of reinforcements and supplies—so that it is now far stronger, better equipped, and better supplied than it was when it first left these shores—if its communications oversea had not been maintained inviolate and inviolable by the supremacy of the British Fleet. In other words the British Fleet is the very keystone of the great arch of combined strategy which spans the whole field of conflict from East to West. The two great buttresses of the Russian Armies in the East and the Allies’ Armies in the West reciprocally support each other, but both would crumble to pieces if the keystone were removed. It matters not that no great naval battle has been

fought. It matters not that we have suffered reverses at sea here and there—grievous in the loss of gallant lives, but insignificant in all other respects. The worst of them has now been nobly retrieved by Sir Doveton Sturdee's brilliant feat of naval arms off the Falkland Islands. This was a signal manifestation of sea power, a triumph alike of strategy, of tactics, and of gun-fire. The Germans have alleged that thirty-eight British ships, some of them battleships, were engaged in the operation. They might have doubled the number and still taken credit for the moderation of the estimate ; for Mr. Churchill told us some time ago that over seventy warships of the Allies were engaged in searching the Atlantic for their enemies. They might, indeed, have multiplied the number tenfold, and still have been not very wide of the mark. For the sea is all one, and the Allies' command of it is continuous and unchallenged, being exercised in concert by all the fleets, and all the squadrons, and all the flotillas afloat in all parts of the world. How many ships sufficed to dispose of Admiral von Spee's squadron in actual conflict is really a matter of very little consequence. We took care, of course, to concentrate a sufficient force for the purpose ; and the force which sound strategy combined with our unchallenged supremacy at sea enabled us to concentrate did suffice to dispose of its immediate adversaries, which was all that was required for the moment. Had more force been needed, more force would have been employed. The same lesson is taught by the disgraceful raid of the German battle-cruiser squadron on the Hartlepoons, Scarborough, and Whitby—an act of pure piracy whereby no military object of any moment was or could have been attained, even if any such was so much as sought, while harm-

less civilians, feeble old men and women, and even helpless children were indiscriminately maimed and slaughtered. It succeeded once, if so murderous a deed can be reckoned a success by any self-respecting nation; but even so these chivalrous raiders only escaped by the skin of their teeth as they scuttled off into the mist just as the avenger was at hand. Nevertheless,

Raro antecedentem scelestum
Deseruit pede Poena claudo.

The German Admiralty have learnt by this time that fugitive raids across a sea of which the enemy is in effective command are very costly as well as very hazardous enterprises. The second attempt of the most powerful cruiser squadron they could send to sea to repeat the murderous onslaught on our coasts proved as disastrous as the first was dastardly. The piratical cruisers never saw the British coasts they set out to harry. One of them was sunk, and two others received a punishment which only the timely protection of their submarines and mine-fields prevented from being as summary and as condign as that of the *Blücher*. We know now exactly what to think of Herr Ballin's preposterous boast that the British Fleet is 'in hiding', and that its command of the sea is an illusion. The illusion is not on our side, as Herr Ballin and his countrymen must now ruefully acknowledge; and if the 'hiding' is not henceforth on theirs, the gallant exploits of Sir Doveton Sturdee in the South Atlantic and of Sir David Beatty in the North Sea must surely presage for us what the inevitable result must be. Indeed, if the quotation be not too flippant, I might sum up the whole situation in the words of the immortal Mr. Samuel Weller, 'Give my compliments

to the Justice, and tell him I've spiled his beadle, and that if he'll swear in a new 'un, I'll come back again to-morrow and spile him.' Germany has very few new beadles to swear in, England has plenty of Wellers to 'spile' such as are left to her, and plenty more to follow, even if some few are 'spiled' in their turn. The British Fleet is not in hiding and never has been, and England's supremacy at sea is now more firmly established than ever. So long as it remains unchallenged—perhaps even more if it should be challenged—it dominates and will dominate the whole situation both at sea and on land. Let it not be supposed that our Allies have no concern in it. They have every concern in it. I repeat that more than any other single factor it guarantees their ultimate success. More than any other single factor it has secured for them all the advantages they have so far gained.

For it is not merely in securing the safe transport, reinforcement, and supply of the British Army on the Continent that the British Navy has fought so effectively—and yet in large measure without fighting at all—the battle of all the Allies. The security of our Army in transit and in the field, as well as that of unending reinforcements from the Dominions traversing the seas for thousands of miles unmolested, is to a great extent merely a by-product, so to speak, of the supremacy of our Navy ubiquitous and unchallenged on the seas. German maritime commerce is suppressed. Whatever supplies necessary for the further conduct of the war Germany may need, she will not get them in any volume from across the seas. The financial sinews of war which she might have obtained from the freedom of her maritime commerce will all be denied to her so long as England—not indeed without valuable and valued assis-

tance from her naval Allies—continues to exclude her mercantile flag from the seas. The words 'economic pressure' sound tame, cold, and insipid by the side of those glowing phrases in which we present the tragedies and the triumphs of the stricken field. The thing they stand for has none of that dramatic intensity, none of that poignant and uplifting emotion which belongs to the battle, the siege, or the assault. Yet it is this same economic pressure, dull, purposeless, and inglorious as it seems, silent, unceasing, irresistible as it really is, sustained only by almost superhuman endurance on the part of those who exert it, never relaxing their vigilance for a single moment by day or night, waiting always, and waiting so far in vain, for that decisive conflict with the foe which is the goal of all their hopes—it is this which more than anything else should prove to the Allies that their victory is certain in the end.

For in truth a Navy secure or at least unchallenged in its supremacy may seem to be doing nothing and yet in reality be doing everything. It may fight no battles and yet win the final victory for those who fight them on land. Yet with or without great battles supreme sea power is justified of all its endeavours, and the more supreme it is the fewer battles it will have to fight. 'The battles of naval warfare', said Admiral Mahan, whose loss we all deplore, 'are few compared with those on land; it is the unremitting daily silent pressure of naval force, when it has attained command of the sea against an opponent—the continuous blocking of communication—which has made sea power so decisive an element in the history of the world.' For ten years after Trafalgar was won in 1805 until the end of the war in 1815 no great battle was fought on the seas. Yet in those ten years Napoleon was overthrown. He

was overthrown on land, it is true, but it was the power of the sea that enabled the Allies to overthrow him—the unremitting daily silent pressure of naval force, the continuous blocking of communication, which strangled the power of Napoleon and starved his armies into submission. That power was exerted by England, and yet her fleets might have been thought to be ‘doing nothing’ because they fought no battles. Thus did England by her sea power save her Allies in Europe from the dominion of Napoleon. Thus will England by her sea power save her Allies in Europe from the dominion of Germany.

There is, however, another effect of supreme sea power which may lend some countenance to the feeling that England is taking less than her due share in the war. Sea power supreme and unchallenged secures England from invasion and thus renders her immune from the worst horrors of war. It is true that our north-eastern coast has had a foretaste of what German ‘frightfulness’ might be if ever our Fleet was overthrown, and that an air-craft raid in Norfolk has attested German barbarism without terrifying those affected by it. But Belgium has been desolated. French and Russian territory have both been invaded and laid waste. • Serbia is sorely stricken. England alone is immune as regards her native soil. We must make due allowance for this as regards the feeling of our Allies, and be unspeakably thankful for it ourselves. But the Allies would profit nothing by the invasion of England. On the contrary, they would lose everything, because the overthrow of England’s supremacy at sea would assuredly mean the final victory of Germany. Moreover, the Allies gain greatly by England’s immunity at home. War demands the strenuous and unceasing activity of all industries which

are concerned with the production of all kinds of warlike material and equipment. So long as our industries are unimpeded we can supply ourselves with what we need and help to supply our Allies, and this in fact is what we do and shall continue doing so long as the seas are open. I have heard of millions of boots being ordered in England for France, and a writer in *Le Temps* has stated that 'England has manufactured all the necessary material, while her factories have furnished military supplies which France and Russia, paralysed by mobilization, were unable to provide'. The unarrested industries of England are in fact indispensable, in innumerable ways, to the adequate equipment and supply of the Allied Armies fighting on the Continent, and will certainly become still more indispensable as the war goes on and the Allies invade Germany in their turn. For by that time, if not before, England herself will have no 'contemptible little army' in the field, but a very big army and an army splendidly equipped. What the sea power of England has done so far, great as it is, paramount as it ought to be regarded among the advantages achieved by the Allies in common, is as nothing to what it will do in the long run when the desolating economic pressure unceasingly applied to Germany sustains and redoubles the military pressure applied by the Allied Armies constantly refreshed, reinforced, and re-equipped from the inexhaustible resources secured by an open sea. For be it remembered that England never puts forth her full strength in the opening stages of a war. It might be well if she could, but she cannot. She is not yet beginning to fight as she will fight when her resources are fully developed and deployed. In the famous fight between Paul Jones in the *Bonhomme Richard* and Pearson in the *Serapis*, the latter, when he

thought he had battered his adversary to pieces, called out to ask Paul Jones if he had struck his flag. 'I have not yet begun to fight,' was the reply, and Paul Jones fought on with what result we know. His own ship went to the bottom, but he remained in possession of the *Serapis*. Paul Jones was our enemy at the time, but he was a true Briton born, and his spirit was that of a Briton. I commend the story to all who think that England is not in earnest in this war.

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STAND OF LIÈGE

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MAPS

Between pages 20 and 21

THE STAND OF LIÈGE

The Brabant armies on the fret
For battle in the cause of liberty.

WORDSWORTH.

ON the morning of August 4, 1914, the sentinels pacing the ancient citadel of Liège, where the infantry barracks were situated, cast, no doubt, many anxious glances eastwards, where the Vesdre wound, through Verviers and Limbourg, to the German frontier. They could see in that direction, and to the south, in the direction of Luxembourg, now, they knew, in German hands, long rolling stretches of wooded upland, rising gradually to where the heights of the Ardennes bounded the prospect. The journey between London and Cologne had no stretch more charming than the twenty-five miles, dotted with pretty country-houses, picturesque villages, and busy manufactories, traversed by a stream winding along a deep and beautiful valley, between Liège and Herbesthal. In the opposite direction, to west and to north, spread the broad and fertile plains of Hesbaye and Dutch Limbourg, broken by hilly stretches. The morning was sultry and cloudy. The panorama that lay below, magnificent as it was, could not be seen to best advantage. The broad Meuse, joined to the south of the city by the Vesdre and the Ourthe, lost itself in haze. Visé, ten miles to the north, could be discerned dimly upon the east bank. The soldier's eye could pick out the forts which girdled the city: Fléron and Evegnée, dominating their villages, lay

nearest the German frontier. Below, descending by steep curving streets and stairways, and intersected by numerous canals and streams, was Liège itself.

Liège, lying in a richly cultivated valley, is strikingly picturesque. The towers of numerous old churches, some dating back to the tenth century, grace the left bank of the river, where the principal part of the city is placed. The chimneys of many factories and foundries rise upon the right bank, the Outremeuse, the quarters of the artisan inhabitants. Innumerable barges line the Meuse near the iron-works and coal-pits of Seraing. The river is spanned by several remarkably fine bridges. The Liégeois who, on August 3, discussed in their tree-lined boulevards and their cafés the national crisis that had arisen with the delivery of Germany's ultimatum, could regard with complacency many historic buildings and invariably well laid-out streets. That ultimatum had, indeed, placed their country and themselves in a terrible position. Events had been moving rapidly for some days. A fever of anticipation and of preparation had settled upon the city.¹ The Belgian army had begun to mobilize. The Garde Civique had been called up. Then reservists were summoned in the middle of the night by knocks at their doors and by the ringing of church bells. Horses and vehicles of all sorts were commandeered. Even the dogs harnessed to the milkmen's and bakers' carts were taken off, wagging their tails in the prevailing excitement, to draw the machine-guns of the infantry. Carrier-pigeons also were requisitioned. A food panic commenced.

¹ The writer is indebted, for many succeeding facts concerning the internal condition of the city during the defence, to the account of an eye-witness, Dr. Hamelius, of Liège University, in his book, *The Siege of Liège*.

Provision dealers, overwhelmed by the rush of buyers, at first refused to accept banknotes, though payable on sight. There was a run upon the banks, amid noisy scenes. In some cases the city firemen had to be employed to disperse the crowds by playing the hose upon the more turbulent creditors. Cattle from the surrounding district were driven in, and stood, lowing plaintively, in suburban fields. The animals, it was remarked, seemed struck by uncanny fear. Many sickened and died. Refugees of all nationalities poured through the city towards their respective countries. Harrowing tales and sensational rumours were exchanged. It was reported that the 25th Prussian Regiment was deployed along the frontier near Moresnet. German airships were said to have passed over Brussels by night. A local paper published on August 2 an account, copied by the press of foreign capitals, but later proved unfounded, of a considerable French victory near Nancy. There were not wanting signs which, if contributing to the alarm of the citizens, stimulated their faith in Leman, their military governor. Thirty thousand navvies had been at work on Sunday, August 2, digging trenches and erecting earthworks between the forts. Thousands of troops had been brought up from Diest by forced marches to augment the garrison. Wanderers by night might have observed mysterious preparations, and the secret transport of bulky objects in connexion with the forts. The precautions had proved to be justified. On August 3 newspaper placards, 'Belgium Refuses,' spread sudden news among the disturbed populace of the rejection of Germany's proposals. The next day dawned upon an anxious but determined city. Yesterday had sent defiance to Germany. What was to-day to bring? Did their neighbours indeed

intend to make war upon them ? Within a few hours, before night fell, an overwhelming enemy might be in their midst. The horrors of war might have overtaken their homes. The citizens could not but despair of the ultimate result of the onslaught of a foe so mighty. But they waited, during hours of acute suspense, with fortitude. Events soon revealed themselves. During the morning the distant rattle of rifle-fire broke out suddenly in the wooded country beyond Herve. A sharper and more continuous fusillade opened in the direction of Visé. Some time later a nearer and more sinister sound, the deep thunder of guns, was heard. The Germans were bombarding the forts.

Reports poured in at General Leman's head-quarters. The Germans had entered Limbourg : they had pushed on to Verviers : they had advanced to Herve : a large force had reached Dalhem, and was approaching Visé. The climax came. The enemy had arrived outside Fléron, and were preparing to attack. Leman's eyes might well be troubled ; but his jaw was set hard.

It may be well now to recount the first stages of the German advance. Troops had crossed the frontier, early that morning, in three columns. It is recorded that, on their journey by open goods-train to Herbesthal, old men ran out to bless them, women and girls to encourage them, and to press upon them food and drink. Passing trainloads cheered each other, and promised to meet again in Paris. They were in high spirits. The task immediately before them appeared easy. It seemed incredible that Belgium would, or could, resist their progress. The main column, detraining at Herbesthal, took to the road and advanced into Belgian territory. Cavalry patrols were sent on ahead. A few stray shots fired upon them showed that Belgian

scouts were on the alert. No resistance was offered. The cavalry, passing through Limbourg, met with some of the retreating Belgians at Verviers. There was a slight skirmish. The Belgians retired in safety, and made good use of their retreat in blowing up bridges and tearing up the railway. The line was, indeed, remarkable for the engineering skill of its construction. German infantry, meanwhile, had commandeered locomotives and rolling-stock found at Limbourg, and had, partly by rail and partly by road, reached Verviers. The terror-stricken inhabitants withdrew into their houses, and watched the arrival of the Germans from behind closed shutters. The invaders proceeded to the town hall. The Belgian flag was torn down and replaced by the German amid the cheers of the troops. Martial law was proclaimed in French. A German officer, placed in charge of the administration of the town, began to billet troops and requisition supplies. Large forces had, meanwhile, been pushing forward by various routes towards Liège. One column made rapid progress for some distance by means of the railway, until the torn-up portion of the line compelled recourse to the road. Other columns converged upon Herve, about ten miles due east of Liège. Continuous firing broke out in a northerly direction as the advance was proceeding. Belgian troops, after a skirmish at Warsage, had retreated, destroying bridges in their wake, to Visé. Here they were making their first stand.

Visé occupied a position of considerable strategic importance. It commanded the passage of the Meuse north of the city, which was at present exposed to attack from the east alone. Unless Visé were in German hands, it would be impossible completely to invest Liège,

or to throw forward cavalry into the country beyond. The capture of Visé was, indeed, an essential preliminary to the capture of Liège. Von Emmich, the veteran German commander, fully aware of this, had meditated a surprise. While his main body was advancing by Limbourg and Verviers, a number of motor-cars, carrying German troops, followed by large bodies of cavalry, crossed the frontier and proceeded rapidly to Dalhem. Two miles away, on the near bank of the river, lay Visé. So far no opposition, other than a few stray shots, had met them. They could not expect as propitious an entry into Visé, and they prepared for action. It was soon seen that Belgian troops were in occupation. Light German artillery was brought up, and fire was opened. It was the first engagement of the war. One can well imagine that the nerves of the combatants, as yet unhardened to the sight and sound of battle, were strung to the highest pitch. It is, indeed, in his first engagement that the soldier usually shows whether his natural disposition is for advance or for retreat. The defence of Visé foreshadowed the defence of Liège. The Belgians showed spirit. The Germans could make no progress for a considerable while. Time was precious. The attack on Liège itself, which the seizure of Visé should precede, would soon open. They commenced a series of fierce assaults upon the town. Many houses were set ablaze by bursting shells. The inhabitants, furious at the wanton attack upon their peaceful dwelling-place, began to take a share in the fighting. Many were, indeed, provided with weapons. The manufacture of fire-arms, for which Liège was famed, was largely carried on in the workers' homes. The people were familiar with their mechanism and use. Shots were fired from the houses. Boys and women flung stones upon

the attackers. Finally, after a desperate struggle, entry into the town was effected by the Germans. They were too late to save the bridge. The Belgians, retreating, destroyed it, and took up a position on the opposite bank of the river. A body of Uhlans, making for the bridge, was almost annihilated by a hot fire opened upon them by infantry hidden among the broken piers. At the same time shots were fired from houses near the bank. It is possible that these came from Belgian soldiers. The German infantry, pouring through the streets, proceeded to indiscriminate reprisals. A large number of the inhabitants were shot down. All resistance having ceased, the remaining population were herded together into the centre of the town, and surrounded by German troops. The commanding officer addressed the sullen Belgians in French. Urgent necessity, he said, not deliberate enmity, had forced the Germans to invade Belgian territory. But the inhabitants must submit to German military law. Every attack on the troops would be immediately punished with death. A shot rang out suddenly. The officer fell badly wounded. A group of eight Belgians, from whose midst the bullet was fired, were seized on the spot. A file of riflemen was drawn up. The eight, without attempt at discrimination, were summarily executed.

While the attack upon Visé was in progress, the German columns were concentrating on Liège. Their front line stretched roughly from Visé on their right wing to Nessonvaux on their left. Their centre rested upon Herve. Cavalry had cleared the way for them as they advanced. By evening their first line had halted before the forts and entrenchments of Liège, and were in readiness to attack.

The Germans were in great strength. They formed

the 3rd Army, called the Army on the Meuse. Their commander, General von Emmich, had known, during sixty-six years of life, nearly half a century of military experience, and had seen service in the campaigns of 1870. Before the outbreak of war he had been at Hanover in command of the 10th Army Corps, the famous Iron Division of Brandenburg. That corps, together with the 7th, were now with him before Liège. The 9th Corps was proceeding from Altona, and would join him later. His present forces numbered some 90,000 men, of all arms. A cavalry division was also at his disposal. Of field artillery the three corps mustered among them 72 six-gun batteries, and 12 four-gun heavy howitzer batteries. Each infantry regiment carried six machine guns. But no heavy siege artillery had been brought up. The heaviest guns that von Emmich could show, his six-inch howitzers, were inferior in calibre and in quality to many within the Liège forts. It was, indeed, a part of the German scheme to travel lightly equipped. Von Emmich's plans had been carefully prepared. He would 'take Liège in his stride'. It was not unlikely that the Belgians had calculated on at least twelve days elapsing from the commencement of the German mobilization before Liège could be attacked. Evidence already showed that they had been surprised. Probably there were only a few thousand troops in the city. He could engage the eastern forts with his artillery, push his forces through the wide intervals between them, and have the city at his mercy. If the forts held out, he would invest them, brush aside the Belgian field troops, and sweep forward as rapidly as possible. The country was rich in agricultural produce. The German troops would feed upon the fat of Belgian land. It seemed unnecessary to encumber themselves with great

*

supplies of provisions and of baggage. Speed was the great object. If the Germans, by a sudden *coup de main*, could seize Liège, could scatter the Belgian field army before fully mobilized, could occupy Namur and Brussels, there was nothing to prevent their immediate advance upon Paris. The French would be unready. The British needed time. If, indeed, their 'contemptible little army' placed itself in the way, it should be instantly trampled down by weight of numbers and annihilated. The heavier German artillery, designed to shatter the fortifications of Paris, could have some preliminary practice upon the forts of Liège, did they refuse to yield. Their capture was not essential to the occupation of the city, nor to the crossing of the Meuse. But it would be necessary to drive the Belgians from the rampart of trenches between the forts. The 7th Corps was massing before the nearest three, Barchon, Evegnée, and Fléron. It was evening. Light showers had fallen during the day. The sky was overcast. But the light would still hold good for some hours. The first shells were sent screaming towards the Belgian lines. The firing soon became general. The German infantry prepared for action. A night attack, after the bombardment had weakened the Belgian defence, was contemplated.

Let us now return to Liège. The garrison had been busy. Scouts had kept General Leman informed of the enemy's movements. The forts were in readiness. Infantry manned the trenches on the eastern side of the city. Many buildings and obstacles which stood outside the line of defence, and which seemed likely to afford cover to the attackers, were demolished. The place was, indeed, naturally strong. But its governor laboured under a fatal disadvantage. The force at his disposal was altogether inadequate to its defence. It

had been estimated in 1890 that a garrison of at least 74,000 was essential. General Leman had only 40,000. The Germans brought against him first twice, then three times, that number. This disproportion was, however, in some measure compensated for by the skill, the resource, and the courage of Leman himself.

He was known as the silent general. He was essentially a man of action. But his personality was strong because he could be trusted implicitly. Other officers might be more popular among the troops. Leman was a martinet in discipline. He expected much from his men. He followed and studied his profession zealously. It is related that, after being all day on horseback, he would often sit up discussing problems of strategy and of tactics, of which he was a master, until early morning. He seemed, indeed, incapable of fatigue. He was a recognized expert in Roman law, in military architecture, in engineering science. To attributes of mind were added many qualities of heart and of temper. He mingled prudence with tenacity, kindness with force of will. His judgement was as cool, his resource was as ready, in pressing home a success as in sustaining a reverse. He knew accurately, indeed, the weaknesses and the capabilities of his position at Liège. Even had it been garrisoned by forces adequate to its sustained defence, instead of half that number, it was hardly impregnable. The fact that, without the necessary numbers, constituted its strength as a *place d'arrêt*, constituted also its weakness as a defensible stronghold. Its twelve works, though inter-supporting, were isolated from the city and from one another. There was no key-fort.

The rough circle of forts and trenches around the city formed a circumference of about thirty-three miles. Each fort lay about four miles from Liège, and two or

three miles from the next. The country within this circular area, covering many square miles, was in general, excluding the city itself, richly cultivated and thickly populated. The eastern half, the scene of the fiercest fighting, was hilly and wooded. A great number of men would obviously be required to ring this extensive district with a line of troops. Leman's force, comprising the regular garrison, his own 3rd Liège Division, and the 15th Brigade, numbered no more than 40,000. It was impossible for him to defend the whole of the circle at the same time. If the Germans crossed the Meuse, surrounded the city, and attacked the whole line simultaneously, the defence must instantly collapse, and the surrender of the field troops would become inevitable. Leman saw that he must at all costs prevent the enemy from crossing the Meuse. It was more likely that they would try to force a passage to the north than to the south of the city. Envelopment from the south would necessitate the bridging of three rivers instead of one, and would be considerably longer. He must also economize his men by manning only those trenches directly opposite the enemy's lines. His field troops were mobile, and included many cavalry. He would keep large numbers in reserve. He must be constantly on the watch. Immediately any unguarded portion of his line was threatened, he must hurry his reserves to the gap. At every point in the circle at which a German force appeared, a covering Belgian force must be waiting. It was conceivable that small detachments might enter at undefended spots. Mobile reserves must be ready to cut them off at once. Such was Leman's general strategy. The manner of the German advance confirmed his dispositions. The Germans had struck at Visé, and had seized it. But

Belgian troops now lay along the western bank of the river in readiness to repel any attempt at crossing. Small parties of German cavalry could be seen on the other side. Patrols were also observed near Barchon, Evegnée, and Fléron. It soon became evident that masses of infantry and artillery were concentrating opposite these three forts. The latter fired a few practice shots. Soon the woods were resounding to the roar of the first artillery duel of the war.

The bombardment continued without intermission for some hours. Both Belgians and Germans, under fire for the first time, no doubt experienced many new emotions. The Germans, however, suffered far more from the fire than their opponents. The defenders knew well the ground in front of them. The range of every landmark was known to them. Manœuvres had taken place in that district only the year before. The firing from the forts engaged was naturally far more accurate than from the German batteries. The guns of Evegnée destroyed two German pieces, without structural injury or the loss of a single man. Darkness began to set in. It became difficult to distinguish objects on the heavily-wooded slopes opposite each position. Little impression had so far been made upon the defence. The Belgian losses were inconsiderable. The forts were quite undamaged. As night deepened, the flashes of the guns grew more distinct, their booming louder. Searchlights in the forts were brought into play. Their beams, sweeping the wide area from Barchon to Fléron, disclosed masses of German infantry approaching the Belgian lines.

Those lines described, from Barchon to Fléron, a curve. Both these forts were roughly triangular in form, were surrounded by a ditch and by barbed-wire entanglements. The works were of concrete, sur-

mounted by revolving turrets of steel, called cupolas. Within the latter were mounted the heavier guns, of which each fort possessed eight howitzers and mortars, and four quick-firers. Machine-guns for the repulse of storming parties stood upon the ramparts. Four others in the ring of forts were similar to Barchon and Fléron. Between the two latter, somewhat advanced from their line, was Evegnée, called, from its reduced size, a 'fortin'. It was similar to them in type, but much smaller in scale and less powerful in armament. Five others in the ring were 'fortins' like Evegnée. Open grassy slopes, called glacis, surrounded each fort, which presented, rising little above the glacis, but a small mark for fire. The total armament of the twelve works was some 400 pieces. Some of the heavier guns, indeed, the Germans would not expect to find. Soine months before, the Belgian Government had ordered fortress artillery from Krupp of Essen. Early delivery was asked for, and payment was made. When the European horizon darkened a deputation was sent to Essen. The guns were overdue. A report had got abroad that treachery was afoot. What, indeed, was the cause of delay ? The deputies were received cordially and feasted royally. The Germans, however, would not commit themselves as to the guns. There was nothing for it but to take other steps. Under cover of darkness, in a mysterious manner, to avoid detection by spies, pieces of heavy calibre were moved from Antwerp to bring the armament of Liège to full strength. Their efficacy had already been proved. It was no doubt a matter of surprise to German gunners that their artillery was easily outmatched.

Belgian officers, as they scanned the enemy's advance, must have knitted their brows in astonishment. They

could see the German infantry marching through the fields in close formation, without haste, without attempt to take cover, as if on parade. A deployment of barely five paces separated man from man. It is recorded that, forty-four years before, the battlefield of Gravelotte was strewn, behind the Prussian firing line, with skulkers who had left their ranks, while the more courageous had advanced. Some were lying down in the furrows, their rifles pointed towards the front as if in action ; others had openly made themselves comfortable behind bushes and in ditches. It is not improbable that the Germans before Liège adopted advance in mass to check wholesale straggling. But the Belgians seized their opportunity. The cupolas in the forts swung round. The field artillery, the hotchkisses, the maxims, were trained upon the approaching columns. Flame sprang and thunder roared from the muzzles of a hundred guns. Bullets swept in a blast of death, gust after gust, the dim shadowy stretches, pasture and standing grain, woodland and broken ground, before the long front of battle. But the Germans maintained for some time an inexorable advance. At many points in the long line the stricken front ranks, falling back upon one another, formed a barrier of corpses. The woods, indeed, provided useful cover from which to fire. But the German artillery could not cover effectually such a form of infantry attack. The fighting was hottest near Barchon. The Germans pressed a fierce assault upon the trenches, held by two Belgian regiments. So near did the enemy draw, so sharp was their fusillade, that Leman, ever on the watch, hurried up reinforcements. It was determined to assume the offensive. A spirited bayonet charge followed. The Germans fled. Their main columns were forced to

retire for some distance to re-form their shattered ranks. The Belgians, indeed, resorted to the bayonet at many other points. The Germans, stoically brave in facing a devastating fire, rank behind rank, almost shoulder to shoulder, showed little inclination to face the bayonet. It was probably some hours before the last attack ceased. The defenders had maintained their ground. No portion of their line had been penetrated. The forts were undamaged. They must have inflicted enormous losses upon the enemy. Dawn broke. Daylight revealed a ghastly and a pitiable sight. From any point hundreds of bodies could be seen lying on the slopes. In some parts they lay piled four feet high. The woods were scarred and the fields furrowed by shell-fire. The Belgians themselves had suffered severely. Their wounded were carried into the city. The defenders were, however, allowed little rest. Early in the morning the bombardment was renewed.

Wednesday, August 5, opened dull and hot. The German firing line had lengthened. The 10th Army Corps had now come up on the left of the 7th, the corps repulsed during the night. The cannonade stretched from Visé to a considerable distance below Liège. Six of the most easterly forts, from Pontisse to Embourg, became involved. Their guns were well able to hold their own.

Within a few hours infantry attacks recommenced. The assaults, now along a wider front, were pressed as fiercely as ever. The enemy advanced across open country in close formation, as before, and by a succession of short rushes. They ran forward, dropped on their fronts, fired a rifle-volley, and ran forward again, with shells bursting in their midst. But each time they attempted to storm the Belgian lines they were

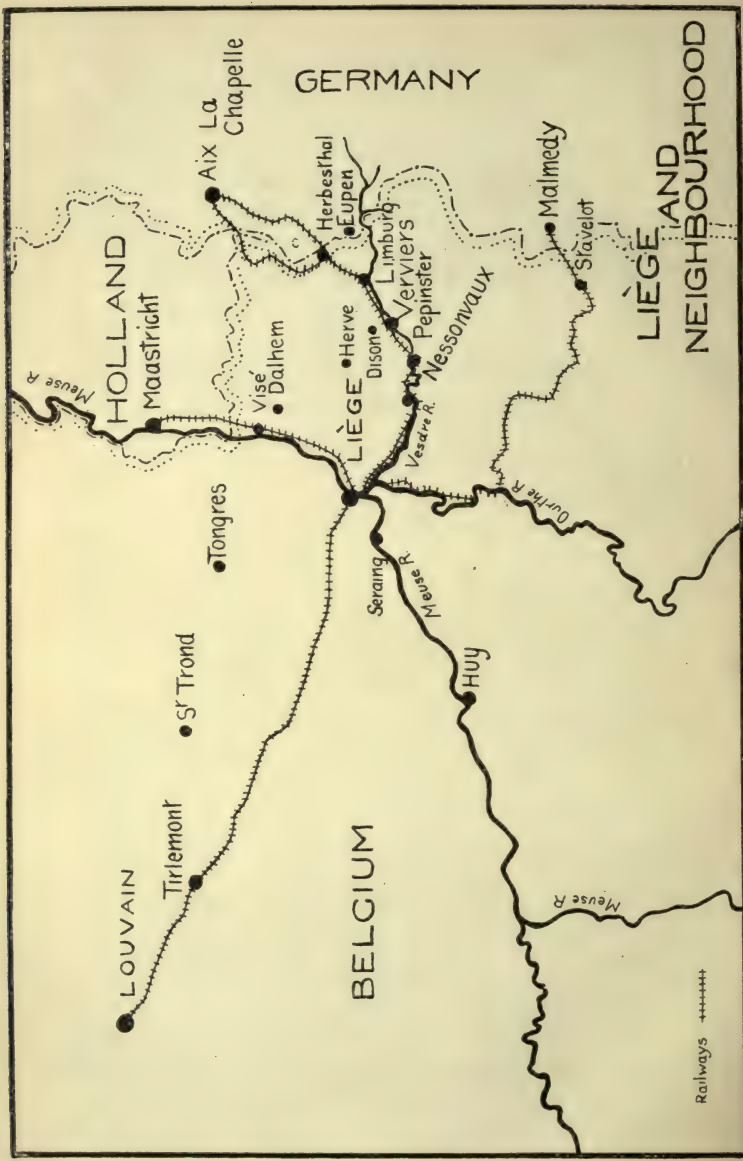
met by a terrible fire. At last a large body of Germans succeeded in gaining a footing on the near slopes of one of the forts. Its larger guns could not be depressed to reach them. Victory seemed within their grasp. But streams of bullets from machine-guns were suddenly played upon their ranks. They retired in disorder. The spectacle from the forts of attacks such as these moved the pity of the Belgians themselves. The smoke of the guns was soon carried away by the wind. Wounded Germans were observed struggling to release themselves from their dead comrades. So high in some parts became the barricade of the slain and injured that the fire of the defenders was in danger of being masked. The Germans did, indeed, in some cases make use of this human barricade to creep closer. At points where they came within 50 yards of the trenches the Belgians did not hesitate to rush out to attack them with the bayonet. One man is said to have dashed forward alone, and to have returned in safety after killing four of the enemy. All assaults were successfully repulsed. But the defenders were hard pressed. The firing line became so lengthened that Leman had no alternative but to throw almost all his available troops into the fighting. During the morning, aircraft, both Belgian and German, eager to display their capabilities, hummed continually to and fro. Men who, in time of peace, would have fraternized as fellow adventurers in a new sphere of science, had in war become intent on one another's destruction. A Zeppelin appeared in the distance, but drew off. Belgian aeroplanes were notably successful. One airman, subjected to a fusillade of shots as he flew over the enemy's lines, remarked coolly on landing in safety, 'How badly these Germans shoot!' A German machine

was shot down near Argenteau. Another was inadvertently brought down by the Germans themselves. It was not easy, indeed, although the German Taubes bore a mark in black resembling the Iron Cross of Prussia, to distinguish between friend and enemy. Below, guns thundered without ceasing, and the drone of air-machines swelled the uproar. To the airmen above, deafened with the familiar sound of their engines, the battle-field was completely silent.

General Leman and his staff spent part of the day in council of war at the military head-quarters in the city. A review of events and of the present position did not present unsatisfactory features. It was, indeed, no small matter to have repulsed with untried troops the first onslaught of what was reputed to be the finest fighting machine ever evolved. So far they had done well. The Germans were at a standstill. All their efforts to break the line were being checked. They could not cross the Meuse in force. But how long could the defence be sustained? Could the Belgians hold out till relieved by the French? Much depended upon whether the enemy were successful in getting across the Meuse in large numbers. If so, it would become necessary for the field troops to retire before surrounded. The city would have to be abandoned. The forts, amply garrisoned and provisioned, must resist to the last and embarrass the German advance. There was no need yet to think of retiring. But preparations, in case it became necessary, should be made. Meanwhile, the city must be kept calm. Business was at a standstill. The populace were very agitated. Trains leaving the city were stormed. The citizens as yet knew little of what was happening in the firing line, and many contradictory reports were abroad. It

was, indeed, believed by many that some of the forts had been silenced. Spy-hunting had been in progress. The city was undoubtedly infested by spies. It might be possible to turn the fact to account. By a certain cunning ruse Uhlan patrols might be lured, in the hope of capturing Leman himself, into the suburbs, and there trapped. The wildest rumours also were current among the people of help at hand. It was realized that the journey by rail from the French frontier could be done in three hours, from Paris in five. Both French and British troops were reported to be approaching the city. The streets became filled with joyous crowds, who eagerly bought up the little tricolour flags opportunely vended by hawkers. The excitement was intense. It seemed, indeed, on the whole desirable that hope should be kept high. Leman and his officers were suddenly interrupted by a violent hubbub without. Loud cries could be heard. The General, followed by his staff, rushed anxiously outside. Had the Germans broken through? Shouts greeted his appearance. Leman observed eight soldiers, in some foreign uniform, hastening towards him. He scanned them in amazement. Major Marchand, one of his staff, scented danger. A fusillade of revolver shots was suddenly fired by the strangers. Marchand had thrown himself in front of the General, and fell, mortally wounded. 'Give me a revolver quickly,' cried Leman. But he was almost alone. A staff-officer, a man of Herculean build, shouted to him not to expose himself, and lifted him up over the wall of an adjacent foundry. He then swung himself over. Their assailants attempted to follow. Leman and his companion were drawn up through the windows of a neighbouring dwelling. But by this time Belgian officers and gendarmes, dashing

MAPS



Railways +++++



LIÈGE AND ITS FORTS

out to the General's help, had engaged the Germans in a desperate scuffle. An officer and two gendarmes were killed. But all the raiders were finally accounted for.¹

While these stirring events were taking place in the city, desperate attempts were being made by the Germans to cross the Meuse near Visé. The guns of Pontisse and Barchon covered the river-banks for some distance. Belgian cavalry and artillery were guarding the west bank between the forts and the Dutch frontier. The enemy's pontoon bridges were destroyed as soon as built. A favourite method of the Belgians was to wait until the structure was almost completed before wrecking it. This had been tried very successfully the day before at the ford of Lixhe. In some cases, indeed, the ordinary bridges had been left standing, and were carefully covered by concealed artillery and infantry. German columns were allowed to defile on to their structures. Shot and shell were then suddenly rained down. The bridge columns gave way. Horses and men were precipitated into the water, and the dead became massed between the parapets. The Germans, however, did not press their attack on the banks of the Meuse in sufficient strength or with sufficient skill. Some parties were, indeed, driven by the Belgians over the Dutch frontier. All attempts to cross the river were frustrated.

During the day the attack upon the forts was pressed stubbornly. Belgian outposts and cavalry patrols kept continual watch in the wooded ground in front of the defences to give warning whenever the enemy approached. At some points Uhlans made determined efforts to penetrate the line. Fierce encounters ensued

¹ Several versions are given of the attack upon Leman's life: as far as can be judged, the above account is substantially trustworthy.

between hostile cavalry. Near Fléron a squadron of Belgian lancers, about 150 strong, fell upon 500 of the enemy. The trampling of the horses, the jingling of the accoutrements, the cries of men and beasts, the flashing lances, the waving pennants, made up a sight and sound not the least splendid, though becoming rare under modern conditions, in warfare. The Belgians, despite the odds, scattered the hostile squadrons with great slaughter. But they themselves lost their captain, and were cut up very severely.

Night approached. The Belgians were weary. They had been fighting intermittently for many hours. Little relief from trench work was possible. The numerical superiority of the Germans enabled them constantly to renew their firing line. A bright moon came out. The searchlights were brought into play. For twenty-four hours fierce fighting had been in progress. But the position was substantially the same.

The night passed without serious event. Every few minutes, indeed, the crash of a heavy gun and its responding roll disturbed the silence. At some points night attacks were delivered, but successfully repelled. Towards dawn, rain began to fall. August 6 opened, dreary and windy. The soldiers were soaked to the skin, and fatigued by long duty. At about seven o'clock two aeroplanes, clearly visible against the low clouds, were observed above the Belgian lines. Fire was opened upon them both by the Germans and by the forts. The machines rocked dangerously in eddies caused by exploding shells. They were, however, piloted by Belgians, and flew off safely westwards into the country. During the day, as previously, the Belgian lines were constantly bombarded and assailed. The gloomy weather seemed to make the cannonade more sullen. The towns-

men of Liège, listening anxiously from their cellars, could hear, between short intervals of silence, the boom of guns, the rattle of rifle-shots, sometimes singly, often in a burst. The Liégeois were rapidly accustoming themselves to their novel conditions. Whenever a shell screamed towards the city a warning bell signalled danger, and prompted a rush to cellars. Every now and then, however, a shell would fall amid the houses and explode. The screams of the injured, the shrill cries of alarmed women and children, the shattered and sometimes burning dwellings, were remembered with horror by the survivors of the siege. Fabrications as to forthcoming relief continued to be circulated and believed. A British force was said to have been seen at Ans, only a mile away, and would shortly arrive by rail. The credulous who hastened to the railway station returned after a long wait disappointed and disheartened. Temporary panics were caused by two parties of Uhlans who had, by design, penetrated to the suburbs in quest of General Leman. It could be guessed, from the reception they received, that they had been expected. Not a man escaped. One detachment was all shot down, and the other all captured. But, in general, the city grew calmer. Old men began to recall the days when they had heard afar the cannonade of Sedan. An examination for the university degree, arranged for this day, was proceeded with. When German prisoners were brought through the streets, even ladies ventured to examine curiously, but without emotion, the conquered enemy. It is said that Lieutenant von Förstner, of Zabern notoriety, was one of the first to be taken. Intense enthusiasm and hope were everywhere manifested at the valiant conduct of the troops in the trenches. There was much uncertainty as to what had happened.

But it was known that Belgium had reason to be proud of her soldiers. Every one was anxious to be doing something to help. Large numbers of young men were enrolled in the Army and hastily taken off to Antwerp for a six-weeks' training. Many older citizens joined the Garde Civique, and were employed in preserving order, in guarding prisoners, and points of military importance. Some of the Garde, however, took part in the actual fighting. During the day a detachment was assailed near Boncelles. The encounter that followed ended in the total discomfiture of the Germans. The enemy had, indeed, lost much of the buoyant enthusiasm in which they had opened the campaign. Their casualties had been terribly severe: some battalions had only a third of their officers left. Many of the wounded were dying in the open fields for lack of attention. Great relief, therefore, was felt when it became known that their commander had asked for an armistice.

Von Emmich had, meanwhile, been reinforced by the 9th Army Corps. They came up on the morning of August 6, and were badly needed. Von Emmich himself could not but be bitterly mortified at his unexpected check before Liège. Not only were his own plans upset, but the calculations of his Emperor and of the Army Staff at Berlin were in danger. He had hoped to earn the praises of his country. But what could he expect now but her reproaches? Repeated failure, disappointed anticipation, immense losses, had demoralized his men. Delay had disorganized his commissariat. He had counted on feeding upon the produce of Belgium. But the way to that source was blocked. The territory he had already occupied, even if the Belgians had not driven off most of the cattle, was too small to support his army. The vast supplies of bread that all the bakers

of Verviers were turning out, under military direction, were inadequate. Prisoners taken by the Belgians complained of ravenous hunger and thirst. It was told how, on the morning before, August 5, the men were vastly chagrined only to receive, when looking forward to ample rations of drink and food, a small piece of sausage. Von Emmich had asked for an armistice of twenty-four hours in which to bury the dead. That period would enable him to reorganize his forces. Strong reinforcements also were on the way. He had already another army corps, 40,000 strong, at his disposal. A great effort to cross the Meuse must immediately be made. Undoubtedly the clue to victory lay there. The city must be enveloped. The Belgians, though they had resisted so well the attack from the front, could hardly be expected to cope with a simultaneous attack from the rear. Von Emmich, despite his mortification, could not, indeed, resist admiration at the valour of the defence. He was, moreover, acquainted with General Leman, whom he had met on manœuvres the previous year. He could have wished that his unfortunate Uhlans had effected the Belgian leader's capture. Leman's answer to his request was brought to him. The armistice was refused.

Stirring events had, meanwhile, been taking place, during the morning and afternoon of Thursday, August 6, in the firing line. About half past eleven the enemy, under cover of artillery, crept up towards Barchon. The Belgians reserved their fire. The Germans, when within close range, drew together for the final onset. At a concerted signal the Belgians loosed upon them a hail of shrapnel and of bullets. The enemy were swept back with terrible slaughter, and abandoned seven machine-guns. At another point, where the defenders were

holding the stately Château de Langres against great odds, the Belgian commander tried a ruse. Quantities of explosives were carried within : a fuse was prepared. The Belgians made a show of resistance before quietly evacuating the building. A large body of Germans rushed in triumphantly, and commenced to ransack the rooms. The Belgians, waiting with nerves on edge at a safe distance, were suddenly stunned by the crash of a deafening explosion. A great column of flame shot up, carrying in its wake masses of shattered masonry and timber. An incident of a similar nature occurred to the north of the city. Under Leman's directions a field outside the Belgian lines had been skilfully mined. The General sent out a small detachment to take up a position just beyond this field. The Germans, as he had calculated, got in the rear of this force in order to cut it off. Electric wire connected the explosives to the defenders' lines. The current was switched on. A sheet of flame and smoke arose. The German force was annihilated. Trivial as they were, these successes contributed to raise the spirit of the Belgians. But more important operations were in progress on the banks of the Meuse north of Liège. At the end of the day it became evident that the Belgians could maintain their ground no longer.

Fighting had, indeed, opened propitiously in this quarter. A counter-attack, delivered by the Belgians from the heights near Wandre upon German outposts, had been attended with brilliant success. Many of the enemy had been cut off from their main body and forced to retire in disorder towards Visé. But around that town operations were in progress which augured ill for the Belgians. Great reinforcements of artillery and infantry had been hurried by the German General to

the river-banks. A crossing must be forced at all hazards. Batteries were placed so as to cover the engineering work. Large parties of Germans, working in little boats, were engaged in building pontoon bridges at different points. The fire from Pontisse and Barchon greatly hampered the operations. But the Belgian troops on the opposite bank were prevented by the German artillery from impeding effectually the enemy's crossing. The river-valley was low and flat, and afforded little cover. Large numbers were gradually passed over during the day. Horses were swum across. Cavalry took the field. Numerous bodies overran the surrounding district. One force was cut off and completely routed by Belgians, who took many prisoners. But by five o'clock in the gloomy and sultry afternoon the Germans had begun to spread out, and to advance southwards in the direction of Liège.

Leman, who had watched the movements he was powerless to prevent with dismay and sorrow, realized that all was over. He had to accept the inevitable. He had foreseen that, sooner or later, the Germans would make use of their superior numbers by enveloping the city. He had made plans in accordance. Delay would mean disaster to his field troops. He reluctantly gave orders for a general retirement. This was no easy operation. Large forces were ordered to continue throughout the evening to harass the advance of the Germans who had crossed the Meuse. Some German infantry who had reached Vottem, a village within the circle of forts, were surprised by the Belgians and hoisted the white flag. When the Belgians approached they were fired upon at close range. Numerous instances of treachery and inhumanity have been recorded, indeed, in the fighting at Liège. Germans in many cases fired

on doctors, on Red Cross ambulances and wagons, or marched into battle displaying Belgian flags and wearing Belgian cockades. The Liégeois watched with mingled emotions the retreat of their defenders westwards through the city. It was disappointing that the courageous resistance of the last two days should seem all to have been for nothing. The horses of the artillery trains and the cavalry squadrons were jaded and blood-stained. The infantry were tired out and footsore, but determined, since duty called them elsewhere, to escape capture by the Germans. During the evening and night the field troops were all withdrawn from the city, and marched off towards Louvain. A garrison of 250 men was left in each of the forts, all of which so far were in good condition. Leman decided to remain at his post. He could have retired with his army. He would, no doubt, have been received at Brussels with honour and enthusiasm. He might add to military renown already won in future operations. But better results, if less personally attractive, might be gained if he stayed to co-ordinate the defence of the forts, and to exercise moral influence upon the garrisons. From Loncin, which he took as his head-quarters, the long columns of the departing troops could be seen passing into the darkness. The retreat had been conducted without serious hitch. Some stragglers had, no doubt, been cut off. Minor street fighting, in which civilians had unfortunately taken a share, had occurred in parts where German cavalry had pressed forward. But the main Belgian army was in safety, and the enemy did not yet appear to be advancing. The twelve forts, calling to one another throughout the night in the rumble of their big guns, prepared doggedly to fight until the inevitable end.

The Germans, apparently, did not realize their success till some hours after the Belgians had evacuated the position. Perhaps the east frontal attack was not pressed home by the besiegers in the hope of restoring confidence to the besieged while the enveloping attack was progressing across the Meuse. The enemy could hardly anticipate, indeed, so sudden a retirement. But during the night and early morning large forces passed between the forts and entered the city. The Liégeois, rising from their slumbers, found the invaders within their gates, and guarding the principal points of advantage. One of the bridges, indeed, had been blown up the night before by the retreating Belgians. The railway tunnel had also been blocked. Kleyer, the burgo-master, had prepared the citizens for their fate the previous evening by a printed circular, outlining the laws of war with regard to the participation of civilians, and cautioning peaceful submission. Little panic was evinced. The German military authorities installed themselves in the Citadel and in the public buildings, and took over the administration of the city. Martial law was proclaimed. The Garde Civique were employed to keep order among their fellow countrymen. One hundred of the Garde, and later Kleyer, Bishop Rutten, and some principal citizens, were confined in the Citadel as hostages. The walls of the city were placarded with posters announcing that, if another shot was fired by the inhabitants upon the German troops, these hostages would be immediately executed. All weapons were ordered to be given up on penalty of death. So suspicious of a rising were the invaders that barricades were erected, machine-guns placed, and guards posted in many of the principal streets. Long columns began, during August 7, and continued for many days after-

wards, to file in endless procession through the town. They passed into the interior upon a mission more important and more arduous than the capture of Liège, which had been won only at great cost. Germany affected to see in the seizure of the city a brilliant military exploit and a propitious opening to the campaign. Boundless enthusiasm was everywhere manifested. At Hanover Frau von Emmich read the news aloud to the exulting populace. It was announced in Berlin by an aide-de-camp sent out by the Kaiser to the crowds before the castle ; and policemen on bicycles were dispatched to shout the joyful tidings along the Unter den Linden.

General Leman, meanwhile, had taken up his quarters in Fort Loncin. His army had got away safely and intact. Its adroit retreat had reserved it for future usefulness. He could turn to the next phase of the resistance conscious that his men and he had already rendered valuable service to their country and to their country's friends. The enemy's occupation of the city and advance over the Meuse had been delayed for over forty-eight hours. Even now a passage had been forced, the unbroken chain of forts could hinder the Germans from advancing except slowly and with difficulty. The days thus gained were of incalculable value for the completion of Belgium's mobilization, and to the allies who were coming to Belgium's aid. Leman saw in success already accomplished the inspiration of deeds that could yet be done. He must urge upon his fort commanders that they must struggle to the very last. They must harass the enemy's movements in every possible way. Pontoon bridges over the Meuse must be constantly destroyed by shell-fire. The forts had, indeed, an abundant supply of provisions, of water, and of ammunition. Little

material damage had so far been done to their structures. Leman would himself visit each fort daily, to bring news and instructions. The outer world was not entirely cut off. Under the protection of the guns of Loncin, light railway engines could still be run from the junction of Ans along the Brussels line. There seemed, indeed, little hope of relief. But the forts had so far proved able to resist the heaviest guns that the enemy had brought up. Belgium had spent much money, and had employed the greatest military engineer of the nineteenth century, upon their construction. They might be overcome by sheer weight. But they must not fall, other than as ruins, into the hands of the Germans.

Morning broke. The artillery remained silent. The Belgians in the forts could not doubt, from various signs, that the Germans were in the city. It remained to await vigilantly the enemy's next move. The day wore on, but without event. An occasional rifle-shot was the only sound of war. It was difficult to know what the enemy were doing. The combatants, indeed, needed rest badly. No doubt the Germans, like the Belgians, were resting. Night came. But silence still reigned.

This comparative calm lasted about three days. During that time the shots fired on either side were very few and intermittent. The Germans kept outside the range of the fort guns. Small parties approached, indeed, unmolested, to pick up their wounded. Gruesome stories are told of the cremation of their dead. Many corpses were said to have been pitched, under cover of darkness, into the Meuse. The total casualties were estimated at about 30,000. Aeroplanes were busy in the sky. Large forces of the enemy's cavalry seemed also to be scouring the country beyond the western forts. But this state of affairs could not

last long. The Germans had succeeded in occupying Liège, but they had so far gained little advantage from that success. Great armies would soon be hastening from all parts of Germany towards the Belgian frontier. But before they could advance across that frontier in any numbers or with any speed, the forts of Liège must be reduced. Pontisse and Barchon threatened the passage of the Meuse to the north of the city, Flémalle and Boncelles to the south. Embourg dominated the Ourthe valley for some miles. Fléron and Chaudfontaine overlooked the railway approach from Germany. Loncin guarded the line from Liège to Brussels. It became obvious to the Belgians that a great effort would soon be made by the Germans to break up the obstacles that impeded their progress. Guns were placed upon the Citadel, and in other parts of the city. On Monday, August 10, the great artillery duel was renewed.

The first phase of the defence of Liège began on the evening of August 4, and ended on the evening of August 6. During an interval of three days no fighting took place. The final phase lasted from the 10th to the 18th. Throughout this latter period, over a week, the forts were incessantly bombarded and frequently stormed. In one desperate attack upon Flémalle, delivered early in the morning of August 10, no less than 800 of the enemy were killed, many of them caught in barbed-wire entanglements. On some days rain fell; on others the sun shone. But the guns roared almost without pause. To make any impression upon those masses of earth, of stone, and of iron, the targets for innumerable shells, seemed at first impossible. The fort cupolas, revolving in wreaths of smoke, uttered thunder and darted lightning on all sides. Many outlying houses and farms were set ablaze by the Belgian guns.

Little clouds of smoke sprang constantly from the green hill-sides opposite, and denoted the position of the German artillery. The forts were soon completely invested. Leman visited each daily as long as possible. On one of his journeys he was injured in the leg by falling masonry. Undeterred, he took to using a motor-car. When the forts were each surrounded, however, he was confined to Loncin, where he prepared for a final stand.

One by one, as the days passed, the forts fell. The first and most persistent attacks were made on Fléron, Flémalle, Embourg, and Chaudfontaine. The guns of Embourg were, indeed, notably well served. Three motor-cars, driven by German officers along the Tilff road, were smashed by shells, one being hurled below into the Ourthe. Chaudfontaine also showed considerable accuracy. A detachment of the enemy, screening themselves behind a forage cart, was ascending a slope leading to Ninave, where German guns had been placed, when several shells, bursting in the cart, killed the whole party. Chaudfontaine, however, was soon after blown up. The Germans, after assailing the eastern forts, concentrated their fire upon the western, notably on Pontisse, Liers, and Lantin. Day succeeded day without the gain of any substantial success. The Germans realized that their artillery was inadequate. Unless the Belgian guns could be outranged and outclassed, there would be no end to this disheartening struggle. The forts were probably provisioned for months. It was, no doubt, with considerable impatience that the arrival of siege artillery was awaited.

Meanwhile, during the bombardment of the forts, a bombardment of the city itself was twice opened. This seemed, indeed, to afford some ground for a rumour

spread abroad that the Germans had threatened, if the forts were not surrendered, to shell the town. Few cases of civilian outbreaks seem to have taken place. The damage and the casualties, however, were not in either case severe. The inhabitants were prepared beforehand, and the troops in the city taken out of the danger zone. The Cathedral of St. Paul and the University building were partly demolished. Some of the streets were torn up and littered with wreckage. Otherwise than by these two outbreaks, the Germans appeared anxious to win the favour and to restore the confidence of the citizens. Few of the latter, indeed, would venture into the streets. It is said that, in a vain attempt to revive business, German soldiers were ordered by their officers to throng the food-stalls and the shops, while the Belgian authorities were forced to run the trams, which had ceased working, though no passengers appeared. The daily goose-step parade, however, attracted many spectators. The Liégeois gradually grew accustomed to the sight of German soldiers in their streets and cafés, drinking and playing cards, and to the sound of the guns, many placed in parts of the city itself, steadily bombarding the forts. As is usual in a city in a state of siege, the inhabitants looked upon themselves as the sole interest of the world. No news were forthcoming of the course of war outside. It was known that large forces of the enemy had passed through the city and into Belgium. Wild rumours were rife. Reports such as 'Berlin on fire', 'Great German disaster', picked up by railwaymen at Ans, were gloated over. More truthful accounts, however, soon got abroad regarding the behaviour of German troops in neighbouring villages, culminating in the burning of Visé.

It is recorded that, in the Franco-Prussian campaigns of 1870, an Alsatian named Hauff killed two Germans who were plundering his farm. He was seized and shot immediately. His wife found her little son crying over his father's body. 'Mamma,' said the boy, 'when I grow up I will shoot the Germans who killed Daddy.' The widow fled from the place and settled near Visé. Her son in due course grew to manhood, became a farmer, and married. He had two sons. One day he learned that the Germans were invading the country, to intimidate the Belgians. At length a party of Germans arrived outside his farm. Hatred blazed in Hauff's eyes as he took his rifle in his hand. There was a sharp report, and a German fell. The farmer was dragged outside, and placed against a wall. His last moments were spent in the bitterest anguish. His two sons were seized and placed beside him. All three were immediately executed. This occurrence was but a beginning. Several shots were fired at Visé on the evening of August 15. It is alleged that these were fired by drunken Germans at their own officers. The destruction of the town was begun during the night. It was almost entirely burnt. From all over the district, indeed, came tales of wanton and indiscriminate retribution wherever the laws of war were said to have been transgressed, perhaps unwittingly, by civilians. A splendid harvest had been expected. Many fields of wheat, already cut and placed in 'stooks', lay rotting for want of attention. Days afterwards observers were shocked at the desolate aspect of the countryside. In the village of Herve, famous throughout Belgium for its flavoured cheeses, 19 houses remained out of about 500. Corpses were strewn everywhere: a smell of burning pervaded the

atmosphere. The drastic nature of the reprisals could be estimated from notices such as 'Spare us!' 'We are innocent!' displayed upon houses still standing. The high roads around Liège were torn up at intervals of about forty yards. In rare cases, sights such as children playing innocently in pretty gardens, where houses had escaped demolition, recalled, amid the prevailing havoc, the happy days of peace. There was much to remind one of war. Long German columns continually passed through the district. Soon the heavier artillery began to arrive. One class of gun in particular might well arrest the attention of spectators. It was in four pieces, each drawn by three traction-engines. A thirteenth engine went on ahead to aid the ascent of hills. This gun was the new 16-inch siege howitzer. It had been constructed in secret, and was the largest piece in existence. A single shot was said to suffice to pierce the strongest steel armour. These guns were intended to batter Paris. Meanwhile, they were to be tested upon Liège.

The forts were still holding out stubbornly. A force of 30,000 of the enemy had been left for their reduction. They were shelled day and night. They were, indeed, proving a dangerous thorn in the enemy's side. They disconnected his lines of communication. They retarded the passage of troops and transport wagons. Pontoon bridges especially were objects of the attention of the fort artillery. One Belgian gun was said to have destroyed no less than ten. But on August 13 and 14 the German heavy artillery began to arrive. It was brought into action. Fort Boncelles was one of the first to receive the fire. Bombardment was opened at six o'clock on August 14, and continued for two hours. The guns were so placed that the garrison

could neither see nor fire at them. At eight o'clock two German officers approached, and called upon the fort to surrender. Guns still more colossal than those already used, they said, would render its destruction instantaneous. The Belgian commander replied that honour forbade surrender. His men burst into a cheer. The Germans returned, and the bombardment was continued. The fort began to feel the effects. The chimney of the engine-house fell in; part of the works caught fire; the electric light went out; suffocating fumes filled the galleries. Resistance was maintained throughout the day and night. But at six o'clock next morning the concrete chambers which held the guns began to give way. Several of the cupolas turned no more. Two hours later a shell pierced the roof and burst inside the fort. Several men were wounded. Further resistance seemed useless, and it was decided to surrender. Three white flags were hoisted. While the Germans were approaching the Belgians disabled their guns and rifles and destroyed their ammunition. The enemy took possession of the fort. The prisoners, looking back as they were marched off, could see nothing but a heap of ruins.

Similar destruction gradually overtook the remaining forts. Their fabrics crumbled under the constant impact of heavy shells. Their garrisons, forced to retire into the small chambers within the central concrete blocks, had to inhale oxygen to keep themselves alive. Many were, indeed, at last asphyxiated. Storming parties could no longer be resisted by machine-guns. The strongest of the forts, Loncin, the quarters of General Leman, succumbed in turn. It was shelled by the heavier German guns at a distance of seven miles. The batteries upon the Citadel of Liège were

also turned upon it. It is asserted that, during twenty-six hours of bombardment, shells were rained upon the works at the rate of six a minute. The incessant concussions and explosions at last shattered the structure to ruins. Leman saw that the end was inevitable. He destroyed all his plans, maps, and papers. The three remaining guns were disabled, and the ammunition kept beside them exploded. He had about one hundred men left. These he led out of Loncin in a daring effort to reach another fort. But they were seen by the enemy, and had to abandon the attempt. A German storming party rushed forward to a final assault. But suddenly a shell tore through the battered masonry, and exploded in the main magazine. The fort blew up. There was a terrific crash. Huge masses of concrete were hurled high into the air. An immense cloud of dust and fumes arose. When it had cleared away the Germans advanced. The ground was strewn with the bodies of their storming party. A Belgian corporal with a shattered arm raised his rifle and started to fire at them as they approached. Most of the garrison were buried under the ruins. Leman lay, white and still, pinned beneath a massive beam. He was drawn from his dangerous position, half suffocated by fumes, by some of his men. 'Respectez le général. Il est mort,' cried a soldier as the Germans came up. He was borne gently away to a trench, where a German officer gave him drink. He came to his senses and looked round. 'The men fought valiantly,' he said. 'Put it in your dispatches that I was unconscious.' He was placed in an ambulance, and carried into Liège. Shortly afterwards, when sufficiently recovered, he was brought before Von Emmich. The two commanders saluted. 'General,' said the German, holding out his hand,

‘you have gallantly and nobly held your forts.’ ‘I thank you,’ Leman replied: ‘our troops have lived up to their reputation. War is not like manœuvres,’ he added, with a smile. He unbuckled his sword, and tendered it to the victor. Von Emmich bowed. ‘No,’ he said, ‘keep it. To have crossed swords with you has been an honour.’ A tear sparkled in the Belgian’s eye.¹

Nothing more remains to be told. The forts were not built to resist the pounding of artillery as heavy as that brought against them. They had been constructed when the typical siege gun was the 6-inch howitzer. They had to contend with artillery the calibres of which ranged as high as 16 inches. Each was reduced in turn. The last fell on August 17 or 18.

Thus ended the memorable stand of Liège. The struggle was watched with the intensest interest and emotion by the whole of the civilized world. British statesmen paid tributes to the gallant city. France conferred upon it the Cross of the Legion of Honour. The Tsar of Russia expressed his admiration in a message to the Belgian King. Events which followed proved the importance of the time lost to the Germans before Liège. British troops were enabled, reaching Mons not an hour too soon, to oppose a second bulwark to the advancing tide. The strategic value of the defence was hardly greater than its moral effect. The spell of 1870 was broken. German arms were looked upon as invincible no more. The story is full of human interest and dramatic incident. The struggle brought out many noble sentiments. It stirred many brutal passions.

¹ This incident is taken from the narrative of a German officer, published in the press. There is no reason to believe it is not substantially accurate.

It indicated, as the opening chapter in the greatest and most modern of wars, some tendencies of the impending conflict. Science was to be the weapon. Method of mind, weight of metal, ingenuity of destructive device, were to decide the issue. Most of the ancient glamour of battle was gone. But war, maturing as mankind matured, still showed, as human nature showed, both flashes of its youthful chivalry, and traces of its primitive barbarity. Human passions and emotions, human ambitions and ideals, were again at open strife. Lasting peace was the ultimate quest. Christian principle was the issue.

OXFORD PAMPHLETS
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CONTRABAND AND
THE WAR

BY

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CONTRABAND AND THE WAR

OWING to the complexity of modern commercial relations, the mere existence of a state of war on a large scale necessarily involves heavy losses to the subjects of neutral States through the consequent diminution of purchasing power in the belligerent countries and shrinkage of trade. But, in addition to this, neutral merchants are liable to suffer damage through the operation of those rules of international law which require them to refrain from certain forms of trade with a State at war—even though simply in continuation of their commerce in time of peace—which would interfere with the military operations of either of the belligerents or strengthen one of them for the prosecution of hostilities against the other. International law makes such trade unlawful, regardless of the injury thereby inflicted upon neutrals, because of the manifest necessity of a belligerent under the principle of self-preservation. At the inception of the modern law of nations over three hundred years ago, this was clearly recognized by the great jurist, Albericus Gentilis, who shows that private interests can only be respected during war so long as their enjoyment does not conflict with the safety of States. ‘*Ius commerciorum aequum est,*’ he says, ‘*at hoc aequius tuendae salutis. Est illud gentium ius : hoc naturae est. Est illud privatorum : est hoc regnorum. Cedat igitur regno mercatura, homo naturae, pecunia vitae.*’¹

¹ *De Iure Belli*, Bk. I, ch. xxi (Holland’s edition (1877), p. 97).

The fact that the neutral persons affected are to a large extent really innocent sufferers cannot be allowed to impair the efficacy of a belligerent's arms. This is particularly the case in the great war now raging, in which the gradual wearing down of Germany by the exercise of sea-power is indispensable for the self-preservation of Great Britain and her Allies. They are engaged in a life-and-death struggle for everything they hold dear, and are therefore naturally entitled, while respecting and safeguarding neutral interests as much as possible, to use to the uttermost all legitimate means for the coercion of the enemy.

At the present day the chief restrictions imposed by international law upon neutral commerce result from the operation of the rules relating to contraband of war. 'Contraband of war' is the designation of goods of warlike use, whether owned by an enemy or a neutral, found by a belligerent on board a neutral vessel on the high seas or within his own or his enemy's territorial waters, on their way to assist in his enemy's naval or military operations. A neutral vessel is one which is entitled to fly the flag of a neutral power,¹ and such a vessel would herself be contraband if suitable for any warlike use and destined for sale in a hostile port or for delivery to the enemy. Neutral goods of the character and with the destination in question would also be contraband when found on board an enemy vessel; but enemy goods found on board a similar vessel would be liable to capture simply as being the property of the enemy, and their nature and destination would be immaterial. Formerly it was unnecessary to consider the nature or character of enemy property on board a neutral vessel, but now, under the Declaration of

¹ Declaration of London, Article 57.

Paris, 1856,¹ the neutral flag covers such property with the exception of contraband of war.

The term 'contraband of war' applies properly to goods only, and carriage of contraband must be carefully distinguished from the carriage of persons and dispatches for the enemy. The expressions 'quasi-contraband' and 'analogues of contraband' used frequently to be employed to denote traffic of the latter kind, and in the early stages of the law of nations it was not dealt with separately. But carriage of persons and dispatches takes place in the direct service of the enemy, and is therefore more properly called 'unneutral service' and treated as a distinct branch of the law of neutrality.

Neutral commerce may be further interrupted by the establishment of a blockade, under which a belligerent is allowed, subject to certain specific conditions, to interdict all communication by sea with the whole or part of the enemy's coast, and not merely to prevent him from receiving anything that would augment his naval or military resources.

At the Second Hague Conference in 1907 Great Britain made a proposal for the complete abolition of the doctrine of contraband; but this was opposed by France, Germany, Russia, and the United States of America, and was dropped. There has always been a great want of uniformity in international practice and opinion with regard to contraband of war; and the subject proved so contentious at the Hague that the Committee entrusted with its consideration could only report in favour of submitting the whole question to a fresh examination by the interested States. This it received at the Naval Conference of 1908-9, and, as

¹ Article 2. The Declaration of Paris will be found in the *Manual of Emergency Legislation*, p. 446.

the result of much discussion and compromise, an agreement was arrived at and embodied in the Declaration of London.¹ But although this Declaration has been signed by all the Powers represented at the Conference, it has not been ratified by Great Britain, who has merely adopted its provisions as her present rule of action, subject to such modifications and additions, consistent with the law as previously established, as are rendered necessary by the special circumstances of the war.

The Declaration is accompanied by a Report of the Drafting Committee, which the Order in Council of August 20, 1914,² by which the modified rules of the Declaration of London were first adopted, directed all British Prize Courts to consider as an authoritative statement of the meaning and intention of the Declaration. But this direction is dropped in the subsequent Order in Council of October 29,³ which repealed and replaced the earlier one ; and although the Report was expressly adopted by the Conference as a guide to the meaning of the Declaration, it is doubtful whether it can really be regarded as authoritative. In English law a draftsman is not allowed in this way to define the intention of his own document.

ORIGIN AND THEORY OF CONTRABAND

The origin of the law of contraband is to be found in the proclamations or warnings which it became the usage for powerful belligerents, as early as the thirteenth century, to issue at the commencement of a war forbidding all ships to carry supplies of any kind to the enemy under penalty of confiscation. Before the end

¹ The Declaration of London will be found, with the Report, in the *Manual of Emergency Legislation*, pp. 447-514.

² *Manual of Emergency Legislation*, p. 143.

³ *Id. sup.* No. 2, p. 78.

of the sixteenth century there was a distinct tendency for a sovereign at war to be satisfied with prohibiting the carriage of such articles only as he deemed to be of assistance to his enemy in maintaining the war. Neutral States acquiesced in this restricted interference with the commerce of their subjects, with the result that in time a belligerent acquired a customary right to punish any attempt to transport articles of warlike use to his enemy as an unlawful act on the part of the neutral merchant. The right of a State at war to prevent this mode of succouring its enemy was confirmed by treaty provisions ; and the notion of the unlawfulness of such commerce was clearly held by all the early theoretical writers and was also strengthened by the fact that from the earliest times the municipal laws of Greece and Rome had punished the furnishing of arms and other appliances of war to the enemy with death or exile and confiscation of property, while similar provisions were contained in the Canon Law regarding trade by Christians with the Saracens.

At the present day every neutral Power is bound to abstain from supplying, either in its corporate capacity or through the action of its officials or public servants, any kind of war material to the belligerents ;¹ and if it failed in this duty it would commit a breach of national neutrality for which the State as a whole would be liable to make full reparation to the injured belligerent. But during the Middle Ages a State could maintain that it was no party to a war and yet furnish one or both of the belligerents with money, troops, and other kinds of assistance ; and therefore, in the absence of an express convention, it was impossible to hold a neutral sovereign responsible for the acts of his subjects

¹ See Article 6 of Hague Convention, No. XIII of 1907.

in supplying a belligerent with the necessities of war. The treaties whereby States undertook to refrain from rendering assistance to each other's foes generally provided at first that they should prevent their subjects from doing like acts. But such stipulations were discontinued after the middle of the seventeenth century, and in spite of the occasional protest of a belligerent weak in naval power, as Germany in 1870, and the strenuous opposition of several theoretical writers, especially on the Continent, the mere carrying on of contraband trade by a neutral individual has never been held to compromise in any way the neutrality of the State to which he belongs.¹ The neutral merchant is alone responsible for his violation of the obligations of neutrality; the belligerent is allowed to check such a merchant by direct coercion whenever such action is possible without infringing neutral territory. The law of contraband aims solely at prohibiting the carriage of war material to a belligerent by sea, and does not apply to the sale of such material to either of the warring powers within a neutral country. Such sales are, as a general rule, perfectly legitimate. But a neutral State is bound, by the modern law of neutrality, to prevent vessels intended for the naval operations of a belligerent from being built, fitted out, armed, or supplied with necessities of war, within the neutral territory;² and in the present war the United States Government has construed this duty so strictly that it has prohibited the export of submarines in sections to be put together abroad.

Although a neutral Government is under no inter-

¹ See 5 H. C. 1907, Art. 7, and 13 H. C. 1907, Art. 7

² See 13 H. C. 1907, Arts. 8, 18-20; Foreign Enlistment Act, 1870, secs. 8, 10.

national obligation to forbid its subjects to trade in contraband of war, it may quite legitimately do so, if it likes, so long as it treats both belligerents in the same way and is only actuated by motives of self-interest. Austria and Sweden acted in this way in 1854, and Belgium, Switzerland, and Japan adopted a similar policy in 1870. In the present war the Danish and Swedish Governments have prohibited the export of various articles of warlike use, and restrictions on the re-export of certain commodities have been imposed in those countries and also in Holland and Italy. The usual practice, however, is for the Government merely to warn traders against the risks they run in engaging in contraband and other forms of prohibited commerce. Hitherto this has been the invariable attitude of the United States of America, but in the session opened on December 7, 1914, a Bill was introduced into the Senate making unlawful the sale of arms and ammunition to any country at war with which the United States is at peace. The State Department, however, does not appear to favour the movement to prohibit the export of munitions of war, and it is doubtful if the Bill will pass into law.

HOSTILE DESTINATION

From the nature of contraband trade as one that is unlawful between neutrals and belligerents it follows that the merchandise in question must be not only susceptible, directly or indirectly, of warlike use, but also destined for the use of the enemy of its captor. On the Continent the destination of the goods themselves, rather than that of the vessel by which they are carried, has almost invariably been regarded as the criterion of their contraband character. The British practice of the eighteenth century, however, tended to look primarily to the destination

of the ship. But in connexion with what is called the rule of the war of 1756, as extended in 1793, whereby Great Britain prohibited neutrals from engaging in the trade between French and Spanish colonies and the mother countries from which they had been excluded in time of peace, it was held that goods which had come from those colonies on a neutral vessel nominally destined for a neutral port might be condemned when there was evidence that they had only been sent to the neutral port in order to be subsequently transhipped or transported further on the same or another ship to the enemy country.¹

This doctrine of 'continuous voyage' or 'ultimate destination', as it is called, was applied to contraband during the Crimean War by the French Council of Prize in the case of the *Frau Houwina*, where a cargo of saltpetre taken in transit from Lisbon to Hamburg was condemned on the ground that it was intended to be sent on to Russia. The United States also adopted this rule for contraband trading in the Civil War, and held that the noxious articles could be condemned, irrespective of the destination, immediate or final, of the vessel carrying them, whenever the circumstances indicated that they were ultimately destined for a hostile country or for the naval or military use of the enemy. The fact that the cargo was simply deliverable 'to order or assigns' was particularly taken as justifying the conclusion that the neutral port to which it was nominally consigned was not its real destination.² The British Government acquiesced in this position, and during the Boer War in 1900 definitely claimed to be entitled to treat articles of warlike use as contraband whenever it could be shown that their ultimate destination was hostile, although the vessel

¹ The *William* (1806), 5 C. Rob. 385; 1 E. P. C. 505.

² The *Springbok* (1866), 5 Wallace, 1.

carrying them was to call at neutral ports only. The ease with which, in consequence of the development of railway communication in the nineteenth century, a neutral merchant can now supply a belligerent with munitions of war by combined sea and land carriage, renders the law of contraband practically useless for dealing with a continental enemy unless, as is admitted in the United States' Note of December 28, 1914, a reasonable belief that shipments have in reality a hostile destination is sufficient to justify their seizure.

CONTRABAND ARTICLES

A great many treaties have, from the beginning of the sixteenth century, been concluded between numerous States for the purpose of settling what articles should be regarded between the parties as contraband of war ; but their provisions are various and contradictory, and it is obviously impossible to draw up a list of contraband objects that will hold good for all time and in all circumstances. Articles and commodities of use in war are continually changing, while different wars are waged under different conditions, and the needs of all countries cannot be the same owing to the variations in their situation and means. It has accordingly been the universal practice for belligerents to exercise their discretion, subject to such restrictions as may attach either by treaty or under the general law of nations, with regard to the objects to be treated as contraband. The extent to which a belligerent is entitled to interfere with neutral trade in a particular war can only be determined by applying to its special conditions the general principle that neutral traders are bound to refrain from carrying to either belligerent any object intended to assist him in his warlike operations.

In the seventeenth century Grotius, the founder of the science of international law, divided articles of trade during war into three classes : (1) Articles exclusively or primarily used for war ; (2) articles susceptible of use in war as well as for purposes of peace ; and (3) articles incapable of use in war. Following this classification, it has always been the Anglo-American practice¹ to divide contraband merchandise into two classes, of which the first comprises articles exclusively used for war, such as arms and ammunition, and also certain articles of double use, such as the necessary machinery and material for the manufacture of arms and ammunition and vessels and articles of naval equipment. These commodities are called ' absolute ' contraband, and any kind of hostile destination is sufficient for them. The second class comprises all other articles, such as foodstuffs and clothing, of use alike in peace and war. These commodities are called ' conditional ' contraband, and are only liable to seizure when they have a particular destination which indicates or suggests that they are meant for the use of the enemy Government or its armed forces ; for it is not permissible to employ the law of contraband for the purpose of putting immediate pressure upon the civil population. On the Continent, however, the tendency has been to repudiate the Anglo-American doctrine of conditional contraband, with the result that many things have been declared unconditionally contraband, such as foodstuffs, forage, cotton, coal, and railway material, which are required by the non-combatant population as well as by the military authorities and the Government.

The Declaration of London adopts the distinction

¹ The *Jonge Margaretha* (1799), 1 C. Rob. 189 ; 1 E. P. C. 100 ; the *Peterhoff* (1866), 5 Wallace, 28.

between absolute and conditional contraband; and Article 22 enumerates eleven classes of articles (including saddle, draught, and pack animals suitable for use in war, and clothing, equipment and harness of a distinctively military character) which may without notice (*de plein droit*) be treated as contraband of war, under the name of absolute contraband, when destined to territory belonging to or occupied by the enemy or his armed forces. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land; ¹ and when the ship's only or first port of call is an enemy one, or she is to meet the armed forces of the enemy before reaching the neutral port for which any suspected goods are documented, there is an irrebuttable presumption that the destination of such goods is hostile.² Articles exclusively used for war may be added to the list of absolute contraband by a declaration to be notified as provided in Article 23.

Article 24 enumerates fourteen classes of articles, including foodstuffs, forage, clothing, money, railway material, and fuel, which may without notice be treated as conditional contraband, and which are liable to capture if shown to be destined for the use of the armed forces or of a government department of the enemy State.³ The burden of proving this destination is thrown in the first instance, upon the captor; but Article 34 provides that it shall be presumed to exist if the goods are consigned to either (1) enemy authorities; (2) a trader (*commerçant*) established in the enemy country who, as a matter of common knowledge, supplies articles of the kind in question to the enemy; (3) a fortified place belonging to the enemy; or (4) any other place serving

¹ Article 30.

² Article 31 (2).

³ Article 33.

as a base for the armed forces of the enemy. In this case, however, the presumptions are rebuttable, and the neutral owner is at liberty to show, if he can, that his goods are in fact intended for the civil population. As a result of Articles 35 and 36 the Declaration exempts conditional contraband from the doctrine of continuous voyage, except in cases where the enemy country has no seaboard; but the matter was very hotly disputed at the Conference, and the British delegates only agreed to this provision as a contribution to the compromise between conflicting theories and practices.

Article 27 provides generally that articles which are not susceptible of use in war may not be declared contraband, and Article 28 specifies seventeen classes of commodities which are deemed to come within that category. Among these are included several articles, such as cotton, resin, metals, and paper, which have in particular cases been treated as contraband. In accordance with the universal practice it is also provided that articles intended for the use of the vessel in which they are found, or for the use of the crew and passengers during the voyage, may not be treated as contraband.¹ Articles serving exclusively to aid the sick and wounded are similarly exempted from treatment as contraband; but in case of urgent military necessity such articles may be requisitioned, subject to the payment of compensation, if their destination is the same as that required for absolute contraband.²

CONTRABAND IN THE PRESENT WAR

Since the commencement of the present war several changes have been made by Great Britain and her Allies in the lists of contraband articles. The absolute list

¹ Article 29 (2).

² Article 29 (1).

now in force under the Proclamation of December 23, 1914,¹ contains twenty-nine items, among which are included iron, lead, copper, motor vehicles of all kinds and their component parts, motor tyres, rubber, mineral oils and motor spirit, except lubricating oils, sulphuric acid, range finders, submarine sound signalling apparatus, and sulphur and glycerine and various other ingredients of explosives. The conditional list is still almost the same as that in the Declaration, but hides and undressed leather have been included in it, and aircraft and barbed wire and implements for fixing and cutting the same have been transferred to the absolute list. Germany has added lead, copper, wood, coal-tar, sulphur, sulphuric acid, aluminium, and nickel to the list of conditional contraband. Great Britain has expressly disclaimed any intention to treat cotton as contraband.

The Orders in Council of August 20 and October 29, 1914, adopting the Declaration of London, both leave it to operate unchanged as far as concerns the destination of absolute contraband ; but, with regard to conditional contraband, the later Order in Council stipulates for an additional presumption of the hostile destination required by Article 33 if the goods are consigned to or for an agent of the enemy State. It is also stipulated that such contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned 'to order', or if the ship's papers do not show who is the consignee of the goods, or if they show a consignee in territory belonging to or occupied by the enemy. The application of Article 35 may be entirely excluded by notice with respect to any neutral country through which the enemy is shown to be drawing supplies for his armed forces. The special circumstances

¹ *London Gazette*, December 25, 1914.

of the present war, with the extraordinary opportunities which it offers to some neutral countries of becoming, on a scale hitherto unprecedented, a base of supplies for the armed forces of the enemy, make the adoption of strict rules with regard to the destination of conditional contraband absolutely imperative.

VISIT AND SEARCH

A neutral Government being, as we have seen, under no obligation to prevent its subjects from trading in contraband of war, it is essential to the maintenance of neutrality and the interception of the prohibited goods that a belligerent shall have the right to stop and search any neutral merchantman she may meet on the high seas or within her own or her enemy's territorial waters. The exercise of this right, owing to the size of modern vessels and the complexity of their cargoes, is one of the chief causes of friction between belligerents and neutrals ; but, unless the search is thorough, it is impossible for a belligerent to satisfy himself that cargoes and manifests correspond, that goods nominally consigned to neutral countries are not really destined for the enemy, and that contraband commodities are not being smuggled in by concealment or disguise. Under modern conditions searches at sea are practically futile. Whenever real ground for suspicion exists it is absolutely necessary to bring the suspected ship into port for examination. Otherwise, as stated in the British Interim Reply to the American Notes, the right of search itself ' would have to be completely abandoned '. In order to protect innocent traders as much as possible, it has always been the practice of British Prize Courts to award compensation to the neutral merchant by condemning the captor

in damages and costs when he failed to make out any case against a prize brought in for carrying contraband, and there were no good grounds for the seizure.¹ Such a right to compensation is now expressly provided by Article 64 of the Declaration of London, which also extends to the case where the prize is released without any judgment being given.

Article 63 of the Declaration provides, in accordance with the established practice, that forcible resistance to the legitimate exercise of the right of stoppage and search shall involve in all cases the condemnation of the vessel. Hitherto Great Britain has always regarded the attempt to take advantage of the convoy of a warship of the neutral nation as equivalent to such forcible resistance.² By adhering to Articles 61 and 62, however, she has waived her right to search vessels so convoyed in the present war; but so far no neutral Power seems to have made any use of this system. As an alternative an arrangement appears to be in process of negotiation with the United States of America whereby immunity from search will be secured for vessels which have obtained certificates as to the nature of their cargoes from British Consular officials or the United States Customs authorities.

Great Britain has always maintained that if, owing to inability to spare a prize crew, or for any other reason, a neutral prize cannot be brought in for adjudication to a port of the captor's State, she must be dismissed, and that no military necessity would justify her destruction.³ But the practice of other States did not always follow this rule, and a limited but ill-defined right to destroy

¹ The *Ostee* (1855), 9 Moore P. C. 150; Spinks, 174; 2 E. P. C. 432.

² The *Maria* (1799), 1 C. Rob. 340; 1 E. P. C. 152.

³ The *Actaeon* (1815), 2 Dods. 48; 2 E. P. C. 209.

neutral prizes is allowed under Articles 48 to 54 of the Declaration of London. Under Article 44 a vessel not herself liable to condemnation may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand the contraband over to the belligerent warship.

THE PENALTY

In order to punish a neutral for trafficking in contraband of war, it is the established practice to allow a belligerent to confiscate the noxious articles he intercepts, after they have been condemned by a properly constituted Prize Court, and this penalty is confirmed by Article 39 of the Declaration. In the case of conditional contraband, however, and also in the case of such absolutely contraband goods as are in an unmanufactured state and the produce of the country exporting them, it is the British practice to buy the goods (at an advance of 10 per cent. on the cost price) and to pay freight to the carrying vessel. The Declaration of London makes no similar provision for pre-emption, but Great Britain is freely exercising this milder right in the present war. She is also acting in accordance with Article 43 of the Declaration, which provides that when a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, or when the master, after becoming acquainted with these facts, has had no opportunity of discharging the noxious goods, the contraband can only be condemned on payment of compensation.

By the ancient law of Europe the penalty for engaging in contraband trade generally involved the forfeiture, not only of the contraband goods themselves, but also of the ship and any other articles, however innocent

their nature, found on board at the same time. By the end of the eighteenth century, however, it had become the general practice to confine confiscation, in ordinary cases, to the contraband merchandise alone and to the freight due upon it to the neutral carrier, who suffered no further penalty except the loss of time caused by the detention and payment of the captor's expenses. But, according to British prize law, the vessel carrying contraband was liable to condemnation if she belonged to the owner of the contraband cargo ; if the carriage of the articles on board was prohibited by a treaty with the country to which she belonged ; if her owner was privy to the carriage of the contraband goods ; or if she sailed with false or simulated papers, or there were other circumstances amounting to fraud. The destruction or ' spoliation ' of papers also *per se* inferred condemnation, since it raised a presumption that it was done for the purpose of fraudulently suppressing evidence ; and, as we have seen, a vessel was always subject to confiscation if she forcibly resisted the captor. Innocent goods belonging to the owner of the contraband on board the same vessel were also condemned ; but similar articles belonging to another shipper were released, though no compensation was paid to their owner for the detention and loss of market.

The American Prize Courts followed the same rules, but continental Powers generally laid the criterion in the proportion of the guilty part of the cargo to the whole. After prolonged debates at the London Conference, it was decided to adopt the ' proportion ' rule in the case of the ship, which, according to Article 40, may be confiscated if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo. If she is released she may be condemned to pay

the captor's expenses.¹ For the innocent part of the cargo the British rule of similar ownership is adopted.² But the vessel and the remainder of the cargo are not liable to condemnation or to the captor's expenses when she is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband applicable to her cargo, or if after knowing thereof the master has had no opportunity to discharge the offending articles.³

As a general rule, when the hostile destination has been reached and the forbidden merchandise delivered—in technical language, 'deposited'—the vessel is no longer liable to capture and the belligerent cannot seize her on the return voyage or touch the proceeds of sale of the contraband cargo. The Anglo-American practice recognizes an exception to this rule where the vessel has carried contraband on her outward voyage with false or simulated papers,⁴ but Article 38 of the Declaration of London disallows capture on the return voyage under any circumstances. In the present war, however, Great Britain is adhering to her former practice, and the Order in Council of October 29 provides that 'a neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage'.

¹ Article 41.

² Article 42.

³ Article 43.

⁴ *The Margaret* (1810), 1 Acton, 333 ; 2 E. P. C. 311.

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DOES INTERNATIONAL
LAW STILL EXIST?

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DOES INTERNATIONAL LAW STILL EXIST ?

I AM honoured by the invitation of this Union to address them on the subject of International Law. It is a subject which is attracting much attention at the present time, and deserves that attention. There are some who say that International Law has ceased to exist by reason of recent events ; on the other hand we see in our papers, day by day, appeals made to the law and issues raised as to whether this or that action of this or that belligerent is in accordance with law ; and that could not be done if in fact there were no law. I propose to-night to present to you some considerations on this point ; to tell you briefly what International Law is and what it purports to do, and then to ask you to consider to what extent, as a system, it is affected by this war. Legal matters are not always easy to explain in a popular way, but I will endeavour to make the main points as clear to you as I can within the limits of time at my disposal.

International Law is the law which regulates the rights and duties of States ; it defines their property, declares their mutual powers and privileges, and controls their relations and their dealings with each other. In time of war it is concerned in the first place with the respective

¹ An Address delivered to the Workers' Educational Union at Birmingham, December 2, 1914.

rights of belligerents—that is of the States actually engaged in the war, and of neutrals—that is of States who take no part in it : in the second place it imposes limitations on warfare in the interests of humanity, and seeks to protect non-combatants and private property in the area occupied by an enemy force. Among individuals, rights and duties are regulated by the law of each particular country : here in England we are under the control of English law ; if we cross the Atlantic, we come under the control of the law of the United States or of one of the Republics of South America, and so forth. But the rights and duties of a State cannot obviously be left to be determined by the legislative body of any other State ; they are controlled by a common system of law which applies to all States equally and is known as International Law.

And to explain somewhat more fully what International Law claims to do, let me first say a word or two about its origin and development. As to its origin, we need not go back for practical purposes further than the seventeenth century. Before that time the society of European States was based on the supposition that there existed a common superior who could secure order among the community of States—Rome and those who claimed to succeed to the power of Rome, the Pope and the Emperor of the Holy Roman Empire. And in those conditions, as you will readily understand, the necessity for any system of law was less apparent. As long as a schoolmaster has control, no law is wanted, save his will, to regulate the relations of his scholars. But about the time I have mentioned, and I am only dealing with the matter broadly, this state of things came to an end from causes to which I need not refer. From that time onwards there ceased to be any common superior

and the civilized world became a community of States, equal in all respects so far as concerned their rights and their mutual relations : from that time, consequently, it became essential to have some common laws, since without law there must be anarchy. This conclusion became accepted by the nations of Europe, but only as the result of some discussion. Two views were current : the first that each State was entitled to set its own advantage before any other end ; that it was not bound to consider the rights of other States, and that the necessity of any particular State was a sufficient justification for action taken by it ; in short, that if necessity compelled States were entitled to disregard obligations and to break their faith ; they were under no duty in regard to other States or to the community of States which could stand in the way of their advantage ; for since each State must be the judge of its own necessity, advantage was for all practical purposes the same thing as necessity. This is, put broadly, the doctrine with which the name of the Italian Machiavelli had become associated. The other view was that each State owed a duty to the other members of the international community which could not be displaced in this way ; that it was impossible for States to carry on mutual relations unless that was so, that there must be a law to regulate these relations, and that such a law was to be found in the precepts of the law of nature and of religion and in international usage. This law bound all States, and between States good faith was essential. Of this view the Dutchman Grotius was the chief exponent at the time. And it was this view which prevailed. The doctrine that necessity justifies the overriding of the law was explicitly rejected. Indeed it seems clear to us now that no society of States could continue to carry on mutual

relations if any member of it was to be entitled to disregard all considerations other than those of its own advantage. Nor can any society of States exist unless faith be kept ; for if promises are not to be binding, if pledges can be broken with impunity, there can be no real international intercourse. And there was another fact, too, which did much to convince the statesmen of the time that some International Law was necessary, it was the horrible cruelties and destruction inflicted by the warfare of that period. Between combatants some sort of restraint existed : there were codes of honour observed among the fighting men ; there were rules of war more or less accepted between them, at least on some points. But there was little or nothing to restrain excesses in the treatment of non-combatants. The troops of an invading force lived upon the country through which they passed ; they seized all cattle, foodstuffs and money, and left the peasants to die of hunger or to seek safety in flight. We read that the track of an invading army was marked by devastated fields, by smoking villages, by the corpses of the inhabitants done to death by the soldiers or perished of starvation. The public opinion of civilized nations had become shocked by these practices and was determined to put some check upon them. These, then, were the two main causes which brought International Law into being : the first the rejection of the doctrine of ' necessity ' and the acknowledgement that some code of laws must be brought into being if the intercourse of nations was to continue ; the second, the conviction that some restraint must be imposed on the excesses of warfare for reasons of humanity and civilization. I ask you to bear this history in mind, for it is not without a bearing on the position of International Law to-day.

From that time onward the existence of a law among

nations was recognized, and as time went on the rights and duties of States under International Law became gradually formulated with more and more precision. The law was developed by the usage of nations, as established by precedent and in some cases by treaties, by the dispatches of statesmen and by the discussions of jurists. And sometimes we have had law made by a process which differs in nothing except in name from express legislation. We have had treaties making law. Such, for instance, is the Hague Convention, of which we hear so much nowadays: it is a treaty enacting and declaring the law in regard to war and other matters. Another instance is the Declaration of Paris. And as the law by these processes has become more definite, the resort to law has become more frequent. Nations have more and more resorted to arbitration to settle differences which in former days could only have been settled by the sword: you may remember how the Alabama arbitration put an end to a dispute which had brought this country almost to the brink of war with our friends across the Atlantic; and lately a question of acute difference between the same nations as to the fisheries on the Canadian and Newfoundland coasts was settled in the same way. The habit of arbitration seemed growing, and year by year the number of treaties by which nations agreed to settle their differences by arbitration was increasing. So that if you had asked me to address you on the growth of International Law as late even as last July, I should have told you that it was strengthening its hold on the world year by year, and that law was gradually displacing force in the settlement, at least of some classes, of international disputes. Then suddenly, almost without any warning, there breaks out the greatest war history has ever known. Greatest, because

of the number of the forces engaged, because of the range of hostilities, stretching as they do over every quarter of the globe, and because of the extent to which it has affected the commerce and the finance of the whole world. And that Great Britain has become involved in this war is due to the fact that her enemy has declined to be bound by International Law, and has asserted a claim to disregard legal principles, if it be advantageous to do so for military purposes. It is not too much to say that the action of Germany challenges the very existence of any law between nations. In particular it challenges the position of neutral States and the rights of small States to equality of treatment. Let us examine the effect of the war from this point of view.

We are discussing to-night the legal aspect of the matter ; it is not, therefore, necessary for me to dwell on the point which has been so much in controversy as to the responsibility for the war. The papers are before the public and you can judge. I would only suggest, in passing, that one good test by which to discover the originators is the state of military preparation in which the outbreak of war found the respective parties, for no sane government provokes hostilities unless it is prepared for them. The German Army was ready to march, and did march, over the frontiers of France and Belgium on the day on which war was declared, if not before : the British Army is not yet ready, and one has only to observe the feverish haste with which our recruits have been learning the most elementary movements of drill in every open space since war began, to satisfy oneself that the British Government, at any rate, could never have contemplated immediate hostilities.

Now the reason why this country has entered into the war is stated in the ultimatum delivered to Germany.

'We have done so because Germany has violated the neutrality of Belgium, and that action raises a clear issue of International Law.

Belgium was a neutral State; it was not concerned in the quarrel between Germany and France, and did not wish to take part in any hostilities between those States. That being so, the law is clear, that neither belligerent had any right to enter on Belgian territory: and the law is equally clear that Belgium, so far as she was able, was bound to prevent the troops of either belligerent from coming into her territory. If she had permitted that to be done, she would have taken sides with the belligerent whose entry she permitted, and by that very fact would have become an enemy of the other belligerent.

That being the undoubted law, Germany demanded a right of passage through Belgium; and I ask you to think what this meant. It meant that Belgium was to lend its territory as a cockpit in which the war could be fought out, for obviously if German troops passed through Belgium to attack France, the latter Power must be entitled to enter on Belgian soil to attack the German troops. Further, it meant that Belgium must take sides against France. If Germany won, then some compensation, assessed by Germany, was to be payable for damage as a matter of grace; but if France won, then Belgium would be at the mercy of France, and subject to such penalties as France at her pleasure would impose. This proposal has been called by the German Government a 'well-intentioned offer', but I ask you could any demand more unreasonable be made? It was a gross violation of International Law in the matter of neutrality; but it was more than that: it was an infringement of the principle of the law that all States have equal rights. No such demand could ever have been

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addressed to a powerful State : it was addressed to Belgium because her powers of resistance were known to be limited, her army was small, her resources not large. Such a precedent, if it were to be once established, would mean that States are to enjoy rights only in proportion to the strength of their military forces. It is a denial of the cardinal principle of International Law that all States have equal rights.

3 So far I have dealt with the breach of Belgian neutrality as a matter resting on the common law of nations, and the illegality of the action of Germany is clear beyond doubt on that ground. But the matter does not rest there. Belgium is in an exceptional position. Her neutrality does not depend only on her rights at common law : it has been guaranteed by express treaty to which Germany and Great Britain are both parties, a treaty made in 1839 and acknowledged as continuing in 1870. Here, then, is another breach of law, and more than that, a breach of good faith. Germany is expressly pledged to treat Belgium as neutral : she has broken that pledge : she has violated the law and her honour. And this point as to the treaty is important, because it is the reason why Great Britain has been compelled to take part in the war. The nations of the world are all concerned at the violation by Germany of the common law of neutrality ; but it can hardly be expected, as things are at the present, that nations will make war merely to impose the observance of law when they are not themselves affected in any particular respect by the breach. It may be that in time to come neutrals will take a higher view of their obligations and be willing to assist in preventing or punishing flagrant breaches of the law, in order to make the law more effective ; but that time is not yet, and no complaint can be made if neutrals have allowed the breach to

pass without effective remonstrance. Great Britain, however, is in a different position : she stands bound by the express provisions of this treaty to maintain the neutrality of Belgium, and unless she be prepared to break her faith she must give effect to that obligation.

Now what is the defence of Germany ? We have it before us. The illegality is admitted, but it is sought to excuse it. And first as to the treaty, it is said to be a scrap of paper and of no account. I need not stop to discuss such a suggestion. The question is of the breach of a formal promise : the evidence of that promise may be a scrap of paper, or it may be the testimony of those who heard the oral communication in which it was made : that matters not : the point is that a promise was given and has been broken. Is there to be no good faith among nations ? is there to be no trust in pledges ? That excuse comes to nothing. But then it is said that military necessity compelled the action of Germany. There are a few exceptional cases in which necessity, instant and urgent, may be a justification for action in self-defence, which would otherwise be contrary to law, but no such case arose here. The necessity alleged is that France was about to make an attack on Germany through Belgium, and that it was necessary to anticipate this by a counter-movement. But the fact on which this plea must rest is not established ; on the contrary, France had given a formal undertaking not to move troops into Belgium unless Germany first did so, and Germany knew of that undertaking before she took any action, and had herself been asked and refused to give any similar undertaking, with a like qualification. And there is other evidence which disproves the suggestion. The strategic railways of Germany and her military dispositions show that

6 she had for long intended to attack France through Belgian territory. In truth the motive was military advantage: not military necessity. Military advantage may be, in one sense, a necessity for a State, because it is, in one sense, necessary for the State to succeed in war, but that is not the kind of necessity which alone can justify any departure from the law: if that were so there could be no law, for any belligerent could plead necessity as great as that on which Germany relies in the present case. This excuse of necessity is really nothing more than the old plea that a State can override law when it sees an advantage in doing so; but it is serious because it is no new thought adopted under the pressure of the moment: it has for some time past been adopted and defended by leading publicists in Germany. They argue, to put the matter in a sentence, that reasons of war override its ordinary rules. Now I ask you to note what that proposition must come to. It must come to this, that no laws are to stand in the way of military advantage. As the late Professor Westlake has well put it, the instructions to generals, according to these writers, must be, 'Succeed—by war according to its laws if you can—but at all events, and in any way, succeed.' The only result which can follow is the abolition of all law.

And that this view, that necessity overrides law, is the one on which the German military and naval authorities have acted seems to be confirmed by their general disregard of the restraints imposed by law in other grave matters, such, for instance, as the rights of neutrals on the high seas or the position of non-combatants in enemy towns or in the territory occupied by the German forces.

Take the case of the mines placed by Germany in the high seas. You know that the ships of all nations have

at all times the right to navigate the high seas, which are open equally to them all. In time of war belligerents have the right to prevent neutrals from carrying contraband, or from carrying goods to a port which has been declared under blockade in accordance with the laws which regulate blockade. But apart from these and some other possible restrictions as to particular areas which do not arise in the present connexion, the use of the high seas cannot be interfered with. That is the law. But Germany in this war claims the right to anchor mines in any part whatever of the high seas, or to set adrift there floating mines over which she has no control; and she has strewn the seas with mines of the one or the other kind. The result has been the destruction of neutral vessels and the extermination of their crews. Germany claims this as a necessary part of her military operations, but it is a new claim, and it is altogether contrary to the principles of law heretofore accepted by humanity. Nor is the offence only against neutrals, for the mines may destroy enemy merchant vessels as well. There is no right to do this unless the crew and passengers be first removed to a place of safety. Again, hospital ships are immune from seizure, but the German mines will sink them with their cargo of wounded. This claim again involves departure from law. So far the only neutrals affected have been small Powers—Denmark, Norway, and Sweden; and Germany has disregarded their protests because they have not the power to enforce them. Italy remonstrated with Austria forthwith when one of her vessels was blown up by an Austrian mine, and obtained an immediate undertaking that this should not occur again. But Italy is a powerful neutral, whose good graces Austria must sue for. Great Britain

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has in these last weeks herself placed mines in the high seas, but these are anchored, the position of the mine-field is notified, and neutral vessels can pass through safely on taking a British pilot. There is no harm to neutrals in this.

Take, again, the dropping of bombs on the civilian quarters of great cities. The law permits bombardment of the inhabited portions of a city, but only as part of a siege and after notice has been given, so that the inhabitants may seek shelter. The claim of Germany is to drop bombs without warning on the non-combatants and not as part of siege operations, but simply in order to terrorize them. This, again, is contrary to law and to humanity.

Take the treatment of the civilian population in Belgium. There have been many grave charges made against the German soldiers ; but these are for the most part denied, and we must wait until the evidence on both sides is made public before we form a judgement upon them. But put aside allegations of particular outrages, and look at the general treatment of non-combatants. Consider the large number of civilians put to death, and in most cases not for any offence of their own but merely as a warning to others ; the oppressive capture and treatment of hostages ; the seizure of all foodstuffs irrespective of the wants of the population ; the huge fines levied on captured towns ; the general destruction of property. All these matters show an excess which cannot be justified on any view of the law. The burning of Louvain and the execution of many of its inhabitants, to take one particular case, is altogether incapable of defence ; no misconduct by the inhabitants can be made out sufficient to justify such wholesale destruction, and the evidence goes to show that no one

of the various and conflicting justifications which have from time to time been put forward can be established in fact. And there are other cases equally grave. In my judgement nothing can justify the excessive severity of the general treatment of the Belgian non-combatants.

All these things, we are told, are necessary military measures. It is 'necessary' to break faith and disregard the law of neutrality : it is 'necessary' to destroy neutral ships and drown their passengers and crews : it is 'necessary' to frighten the enemy government by dropping bombs without warning on residential quarters of great towns : it is 'necessary' to make frightful examples of non-combatants. But necessity of this kind, which overrides law, is incompatible with the existence of any law at all : it must result in never-ending strife and war. Let me put a homely illustration. Suppose you have a house and a garden. It is enough for you and your wife when you marry ; but as time goes on a family arrives and increases, and the accommodation is no longer sufficient. On the other side of the wall is another house and garden which would suit your increased wants. It is 'necessary' for you, in your opinion, to have something of the kind ; therefore you are entitled to pull down the wall and seize the premises, and if the owner objects to put an end to him. How can a society of men or of States proceed at all on this basis ? Have we not really got back to the seventeenth century and to the ideas which were rejected, and, as we hoped, rejected for ever, at that time ? Is this new doctrine anything more in its essence than that of Machiavelli ? The destruction of Belgium to-day is less general than that of the countries which were devastated by the wars of the seventeenth century, but it is still deplorable and shocks humanity as much

as did the warfare of those times. It is surely time for the nations of the world again to declare that there must be an International Law, and that the excesses of war must be restricted in the interests of civilization !

Now, assuming that I am right in thinking that Germany has disregarded the law of nations, then what is the result ? Can the law enforce any penalty ? If it cannot, then to that extent it is held to be ineffective. Individuals who offend against the laws are punished by legal process, criminal or civil ; but it is the weakness of International Law that it has no sanction of this kind ; there are no police to keep order, there are no courts empowered to enforce punishment unless an offender submits to them. But between individuals there is another force which can punish, and is a force of great power in many cases. That force is the opinion of others. The man who breaks his faith, or the man who commits acts of cruelty, is condemned by the judgement of his fellows ; at the worst he is banished from the society of respectable persons. And in International Law we have the same sanction in public opinion. The only penalty for breach of International Law, beyond such redress as the injured party may be powerful enough to obtain by force, is the loss of the good opinion of other nations.

That sanction seems ineffective enough at the present moment, but there are signs of hope. We have to face a peculiar position in this war, because the public opinion that approves or condemns must be the opinion of neutral States : belligerents cannot pronounce in their own cause. And in this war the greater States of Europe are themselves involved. There are, however, a number of neutral States which together are a force ; and there is one great Power across the Atlantic which can of

itself make its judgement felt. The fact that Germany has thought it in her interests to make strenuous efforts to obtain the good opinion of neutral States, and especially the United States, is a portent full of hope, and the more so because the United States have ever been foremost in the development of International Law. For these reasons, because it is impossible for international intercourse to be continued unless law be observed, and unless it be recognized that every State has a duty to the other members of the community of States, and because public opinion is shown to be some check even in the darkest days, I affirm confidently that International Law does still exist, and I anticipate that after the end of this war it will stand on a more secure footing than before. We cannot yet hope that nations will dispense with armaments : we have had too sharp a lesson to allow us to rely altogether on treaties or agreements, at least for some time to come ; but we can hope that at the end of the war the public opinion of the world will declare in no uncertain tones that the clear principles of the law must never again be set aside as of no account, and that among nations, as among men, good faith must be observed.

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Britain's war by land

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